

Report PD-022-14
Recommendation Report, Town of Oakville
Comprehensive Zoning By-law 2014-014 (inZone Project)
File No. 42.25

**Appendix C – Copies of Written Correspondence
Received and Sent
(Received on or after September 11, 2013 and prior to
February 7, 2014)**

Note: The attached package of correspondence includes communications provided to Town staff, some of which may not constitute submissions to Council as set out in the *Planning Act*. Individuals who wish to make formal submissions for the purposes of establishing appeal rights are advised to make submissions to Council through the Clerk's Department or by oral submissions to Council prior to the passage of the by-law

Joe Nethery

From: Joe Nethery
Sent: Thursday, January 30, 2014 3:19 PM
To: 'David Capper'
Cc: 'Ashlee Rivet'; 'augycarnovale [REDACTED]' Dana Anderson; Denis Daoust; Joe Nethery
Subject: RE: Correspondence Received on the Draft 2014 Zoning By-law
Categories: v2.0 Inputs

Good afternoon Mr. Capper –

Per the second item of this email (you have item 1 under separate cover), I can confirm that staff are recommending deleting all driveway prohibitions from the final draft (v3.0) of the 2014 Zoning By-law. There would no longer be a zoning barrier to the driveway, although locations and placements would continue to be reviewed as part of a Site Plan application.

Accordingly, the proposed Special Provision 8 (correctly mapped but with the incorrect text at present) is proposed to be deleted and there will be no prohibition in the parent text.

I will add this correspondence to the package being presented to Council on February 25. Thank you for your contributions to the inZone project.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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From: David Capper [REDACTED]
Sent: Thursday, January 23, 2014 12:20 PM
To: Joe Nethery
Cc: Ashlee Rivet
Subject: Correspondence Received on the Draft 2014 Zoning By-law

Mr. Nethery,

Further to our review of the agenda and information presented at the inZone Sub - Committee meeting Monday, January 20, 2014, I note that there appears to be an error in the table illustrating the correspondence received to date as shown in the table - Correspondence Received on the Draft 2014 Zoning By-law.

I note that myself and Ashlee Rivet met with yourself, Dianne Childs and Heinz Hecht regarding two of our clients properties as follows:

APPENDIX C

1. [REDACTED] Trafalgar Road. Meeting attended by Weston on behalf of Trafalgar Oaks Development regarding potential introduction of 3 storey height limit within CBD.
2. [REDACTED] Lakeshore Road West. Meeting attended by Weston on behalf of A. Carnavole, owner of property, relating to concerns about loss of existing driveway access onto Lakeshore.

The meeting occurred on August 22 at 1:00 pm and was held in the Planning Services Boardroom. We have detailed notes of the meeting and our discussion should you require them as an update to your information.

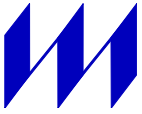
I trust this information is sufficient for you to update your table accordingly. We will also be submitting written correspondence as follow up to these meetings in order to preserve appeals rights should the clients choose to exercise them. We will have these correspondence to you by weeks end.

Kind regards,
David

David Capper
Associate



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WESTON CONSULTING

planning + urban design

Planning Services Department
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario L6H 0H3

September 24, 2013
File 5967

Attn: Joe Nethery, Manager – Zoning By-law Project

Dear Sir,

**RE: Draft InZone Provisions for E2 Zones
1132 Invicta Drive
Town of Oakville**

Weston Consulting is the planning consultant for 2104751 Ontario Ltd., the owner of the property at 1132 Invicta Drive in the Town of Oakville.

The subject lands received Site Plan Approval in August, 2011 for the development of a two pad indoor lacrosse facility and an outdoor lacrosse field. Construction of the athletic centre was completed in 2012 and the building is now in use. The facility functions as the head office and primary training centre for the Toronto Rock, a professional lacrosse team in the National Lacrosse League (NLL). In addition to the athletic facility, a Zoning By-law Amendment was recently approved for the subject lands to permit the development of a private school. The Site Plan application for the school is currently being processed.

We have reviewed the draft zoning provisions that apply to the subject lands, prepared through the InZone project and contained in the First Draft (v 1.0) of the 2014 Zoning By-law. This correspondence outlines our concerns with the applicable zoning provisions and how they would affect the subject lands if approved in their current form.

The subject lands are zoned "*Business Employment (E2-V)*" on Map 20(16) of the Draft Zoning By-law (2014). Table 11.2 of the By-law identifies a "*Sports Facility*" as a permitted use in the E2 zone, subject to "*Additional Regulation 1*" which states that: "*Only uses and related outdoor area and floor area that legally existed on the effective date of this By-law are permitted.*" Regulation 1 causes concern as it eliminates the possibility of future expansion to the Toronto Rock training facility without an amendment to the Zoning By-law.

The subject lands are currently zoned "Employment (E1)" under the in force Zoning By-law (1984-63), which permits an "*Athletic Facility*". The in force zoning provisions which apply to the subject lands do not restrict the expansion or enlargement of an athletic facility in the E1 Zone.

The subject lands are designated “*Business Employment*” in the *Livable Oakville Official Plan*, which permits the following uses:

- *offices and light industrial uses such as manufacturing, assembling, processing, fabricating, repairing, warehousing and wholesaling;*
- *banquet halls, meeting halls and convention centres; and,*
- *training facilities and commercial schools.*

The existing lacrosse facility is permitted as a training facility and also helps to achieve the Official Plan objective for Employment lands to “*provide a balance of population and employment in the Town in order to maximize the opportunity for residents to work in Oakville, to maintain a healthy tax base, and to achieve the goal of a balanced and complete community.*”

The Toronto Rock selected their current location in the Town of Oakville partially as a result of the in force Official Plan policies and Zoning provisions which permitted the athletic facility. While there are no current plans to expand the facility, it is difficult to understand the future needs of the user and therefore the owners should not be restricted from expanding the current facilities as permitted in the as-of-right zoning permissions for the lands. Should an expansion be proposed at a future date, Town staff will have the opportunity to evaluate the development proposal through the standard Site Plan process. It would be determined at that time if the proposal is appropriate for the subject lands and is desirable for the area. We find it to be unnecessary to implement a zoning restriction on the existing athletic facility, which has the effect of eliminating the possibility of future expansion without an understanding of extent or scale of the expansion.

We kindly request that proposed regulation 1, which applies to sports facilities be eliminated in future versions of the draft Zoning By-law and that it not be carried forward into the enacted By-law.

Please do not hesitate to contact us with any questions or to discuss this matter further.

Yours truly,

Weston Consulting

Per:



Ashlee Rivet, BES, MCIP, RPP
Senior Planner



November 4, 2013

Ashlee Rivet, MCIP RPP
Weston Consulting
1660 North Service Road East, Suite 114
Oakville, ON L6H 7G3

Dear Ms. Rivet:

Re: Town of Oakville Zoning By-law Review
1132 Invicta Drive (2104751 Ontario Ltd.)
Your File No.: 5967

Thank you for your submission on the Town's Zoning By-law Review. Staff have reviewed your letter of September 24, 2013 and have the following reply.

The property is proposed to be zoned Business Employment E2 SP 327, with the Special Provision recognizing the private school additional permitted use and revised parking and stacking space requirements. The second draft (v2.0) of the 2014 Zoning By-law shows sports facilities as proposed to be permitted with no footnotes. The use would therefore be permitted, subject to meeting all other requirements of the By-law.

With respect to project timing, the statutory public meeting is scheduled for Monday, November 4, 2013. A number of changes will be made to the draft zoning based on continued staff review and public input received over the remainder of 2013. Please continue to follow the inZone project as we move toward Council's passing of the By-law tentatively scheduled for February 10, 2014.

If you have any questions or desire a further meeting on this site, please do not hesitate to contact us.

Sincerely,

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project

cc: Dana Anderson, Director of Planning Services
Cathie Best, Clerk

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 9:59 PM
To: 'Victor Labreche'
Cc: Dana Anderson; 'Lynda Townsend'; 'barron_pau [REDACTED]'; 'OMeara_Sear [REDACTED]'; 'John Vos'; 'Leslie Smejkal'; Joe Nethery; Diane Childs; Joanna Wice
Subject: RE: Second Draft Zoning Bylaw (inZone) Town of Oakville
Attachments: 32 - Labreche - Five Clients Feb 12 2014 Final Reply.pdf
Categories: v3.0 Inputs

Good evening Victor and all –

The following letter is being sent in the mail tomorrow. This updates the draft letter from November and incorporates staff's recommendation post-conference call last week. There are some tweaks required from v3.0 to Friday's v3.1 to give effect to this letter.

I am continuing to hold Thursday, February 20, 3-4:30 pm for a follow-up meeting here at Town Hall. Let me know if we're still on.

Thanks –

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Victor Labreche [REDACTED]
Sent: Tuesday, January 28, 2014 5:47 PM
To: Joe Nethery
Cc: Dana Anderson; 'Lynda Townsend'; [REDACTED]; 'John Vos'; 'Leslie Smejkal'
Subject: FW: Second Draft Zoning Bylaw (inZone) Town of Oakville

Thank you Joe for calling me back a couple days ago and your time to update me as to the status of your considerations of our past submissions and meeting discussions on this subject.

Regarding our past submissions on the employment zones, what we continue to struggle with is that the current ZBL permits DTF in all employment zones today as illustrated on the second attachment hereto. As such, and further as per the previous "Minutes of Settlement" on the Livable Oakville appeal, attached hereto for your review, all current permissions of the employment zones today must be carried over into the proposed new ZBL. In particular, please see

APPENDIX C

clause 4, 5, 7 and Schedule “C” of the settlement. This would include all sites which are proposed to be zoned “E2” in the new ZBL which, as currently drafted, is proposed to not permit a DTF. Further, introducing new restrictions like requiring “DTF to be developed in mixed use buildings or a restriction on size etc.” does not exist today and again is not in accordance with the previous settlement.

Please take this as well as our other submissions on the proposed new ZBL under full consideration including the previous agreed “Minutes of Settlement” attached and we look forward to hearing back from you soon.

Thank you again,

Victor Labreche, MCIP, RPP
Senior Principal

Labreche Patterson & Associates Inc.

From: Victor Labreche [REDACTED]
Sent: January-22-14 10:16 AM
To: 'Joe Nethery'
Subject: RE: Second Draft Zoning Bylaw (inZone) Town of Oakville

Thanks for your response Joe. Ultimately we want to have a response/discussion with you to know where we are at on our submission comments before the next/final version of the ZBL is released. Also, could you call me in the next couple days as there is another related item I want to speak to you about?

Thanks again,

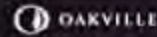
Victor Labreche, MCIP, RPP
Senior Principal

Labreche Patterson & Associates Inc.
Professional Planners, Development Consultants, Project Managers
519-896-5955
www.lpplan.com

From: Joe Nethery [<mailto:JoeNethery@oakville.ca>]
Sent: January-21-14 6:08 PM
To: 'Victor Labreche'
Subject: RE: Second Draft Zoning Bylaw (inZone) Town of Oakville

I won't have an answer until next week – and it's all meetings all day until then. I apologize for the delay, and I'm not happy with myself about it either, but I don't have an answer for you yet.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services
Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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From: Victor Labreche [REDACTED]
Sent: Tuesday, January 21, 2014 12:07 PM
To: Joe Nethery
Cc: [REDACTED] 'John Vos'; Lesley Gill Woods
Subject: FW: Second Draft Zoning Bylaw (inZone) Town of Oakville

Hi Joe,

I just left you a v-mail as a follow up to the first attachment hereto which was a “draft” response letter you had previously provided me as well as your last e-mail to me also attached.

Could you call me back to discuss an update on this in the next few days? We would like to know where things are at with our previous comments before a “final” draft of the ZBL and related inZone conformity OPA is released.

Thank you,

Victor Labreche, MCIP, RPP
Senior Principal

Labreche Patterson & Associates Inc.
[REDACTED]
[REDACTED]

From: Joe Nethery [REDACTED]
Sent: November-13-13 7:03 PM
To: 'Victor Labreche'
Cc: Dana Anderson
Subject: RE: Second Draft Zoning Bylaw (inZone) Town of Oakville

Good evening Victor –

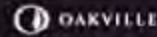
Per our phone conversation earlier, attached is the draft reply to your previous submissions to us. After discussion tomorrow, I would be updating this version and getting it into the mail fairly quickly to consolidate/confirm all our previous conversations. Therefore I’ve kept the draft watermark on it and hope that it’s confidential and internal to us for now for the purposes of facilitating our agenda/discussion tomorrow.

We’re going to be meeting in Dana’s office again. See you at 11.

Thanks –

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Victor Labreche [REDACTED]
Sent: Wednesday, November 13, 2013 5:18 PM
To: Joe Nethery
Subject: FW: Second Draft Zoning Bylaw (inZone) Town of Oakville

Hi Joe,

As discussed earlier today and ahead of our meeting tomorrow morning, can you please send me your response letter today on our last set of comments?

Thank you,

Victor Labreche, MCIP, RPP
Senior Principal

Labreche Patterson & Associates Inc.

Professional Planners, Development Consultants, Project Managers

519-896-5955

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From: Victor Labreche [REDACTED]
Sent: October-23-13 5:49 PM
To: 'Joe Nethery'
Cc: 'Cathie Best'; 'Dana Anderson'; 'dchilds@oakville.ca'; 'Leslie Smejkal'; 'barron_pau [REDACTED]'; 'OMeara_Sear [REDACTED]'; 'MacLauchlan Sherry'; 'Towle, Susan'; 'Darren Sim'; 'Lynda Townsend'; 'John Vos'
Subject: Second Draft Zoning Bylaw (inZone) Town of Oakville

Dear Mr. Nethery,

Please see the attached letter containing our comments on the 2nd draft town wide Zoning By-law for the Town of Oakville. Please confirm your receipt of this e-mail with the attached when you have a chance.

Thank you,

Victor Labreche, MCIP, RPP
Senior Principal

Labreche Patterson & Associates Inc.

[REDACTED]



February 12, 2014

Victor Labreche, MCIP RPP
Senior Principal
Labreche Patterson & Associates Inc.
330 Trillium Drive, Unit F
Kitchener, ON N2E 3J2

Dear Mr. Labreche:

**Re: Town of Oakville Zoning By-law Review
A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Ltd., TDL
Group Corp., Wendy's Restaurants of Canada Inc., Ontario Restaurant Hotel and
Motel Association (ORHMA)**

Your File No.: P-375-09 D

Thank you for your submission on the Town's Zoning By-law Review. Staff have reviewed your letters of September 20, 2013 and October 23, 2013. Based upon our further review and our meetings of October 10, 2013 and February 4, 2014, staff have the following reply.

By point in your September 20, 2013 letter (and confirming the email sent after the October 10 meeting):

1. Through the inZone conformity official plan amendment, staff are proposing adding existing service commercial uses (limited to restaurants, financial institutions, and drive-through facilities) and new service commercial uses (subject that the use be permitted on the same lot as another permitted use in the designation) as permitted uses in the Business Employment designation through the inZone Conformity OPA.

The staff recommendation in the final draft (v3.0) of the 2014 Zoning By-law is to permit new restaurants and financial institutions on a lot in the Business Employment E2 Zone, subject to a maximum net floor area of 20% of the total net floor area on the lot and that prior construction has occurred to provide an equal amount of floor space on the lot for a permitted use on the lot not subject to this limitation (i.e. business office, manufacturing). The 20% maximum is derived from current zoning restrictions relating to discounted minimum parking requirements. This amount of scaling is the maximum staff can support outside of a comprehensive review of the commercial and employment lands policy framework. Legal existing uses in stand-alone buildings shall additionally be permitted with no maximum net floor area.

2. Staff are recommending a default, town-wide general provision for drive-through facilities, currently found in Section 5.5.1 of the final draft (v3.0). The setback from any lot line abutting a Residential Zone shall be 15.0 metres.
3. Based on previous discussions, the wording that will be proposed in the updated final draft (v3.1) will be to prohibit drive-through facilities between any yard between a building and the identified streets in the Growth Areas: Lakeshore Road, Kerr Street, Randall Street, and Old Bronte Road/Khalsa Gate. This matches other surface parking area prohibitions proposed for the 2014 Zoning By-law.
4. The Livable Oakville Plan, in section 14.1.8, considers drive-through facilities to be service commercial uses that, *"may be permitted where service commercial uses are permitted within the Employment designations unless otherwise not permitted by specific policies of this Plan."*



New drive-through facilities are permitted in the final draft (v3.0) in the Office Employment E1, Business Employment E2, and Business Commercial E4 Zone. This permission would apply for new restaurants (which are subject to the 20% floor area maximum) or existing stand-alone restaurants (which are subject to a different footnote allowing for a larger floor area). Revisions are proposed in the updated final draft (v3.1) applying footnotes 6 and 7 to these uses to make clear the Town's intent as follows:

- a. For the Office Employment E1, Business Employment E2, and Business Commercial E4 Zone, the lot is not adjacent to a lot in a residential zone.
 - b. In the Office Employment E1 Zone, the service commercial and retail uses are limited to 20% of the net floor area in the building and shall be in the same building as another of the uses permitted in the zone that are not subject to footnote 5.
 - c. In the Business Employment E2 Zone, either:
 - i. The service commercial uses are limited to 20% of the net floor area on the lot and that prior construction has occurred of an equal amount of floor space for uses permitted in the zone that are not subject to footnote 6; or,
 - ii. The service commercial legally exists on the effective date of this By-law in a stand-alone building also legally existing on the effective date of this By-law.
 - d. In the Business Commercial E4 Zone, there is no further limitation (per point #1 in the section below).
5. Special Provision 7 (drive-through as an additional permitted use) is now applied to the properties identified in your letter (43-49 Lakeshore Road West, 2290 Lakeshore Road West, 2303 Lakeshore Road West) in the final draft (v3.0) recognizing these legal existing uses.

By point in your October 23, 2013 letter:

1. Staff concur and believe this was an oversight in preparing both the second draft (v2.0) and final draft (v3.0). The Business Commercial E4 Zone footnote will be changed to 8 in the updated final draft (v3.1).

From the February 4, 2014 conference call, a new Special Provision is proposed in the final draft (v3.0) of the 2014 Zoning By-law that would permit restaurants on the four properties (being the three properties named plus the former road). The footnote would additionally state that the maximum net floor area proposed for the use elsewhere in the Business Employment E2 Zone would not apply on these properties. This recognizes the current situation on the subject properties.

The Special Provision will also contain a reduced parking rate of 1/39 sq.m net floor area for all uses on 874 Sinclair Road. Staff are also recommending a new clause permitting parking spaces required for any uses to be located on any of the four lots subject to the Special Provision.

Maximum yards are proposed to be deleted from the Business Employment E2 Zone, and the minimum front yard and corresponding minimum width of landscaping requirement are proposed to be reduced to 3.0 metres, matching the current standard.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This is a public process and staff intend on creating a project mailing list using inZone project contacts.



Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Sincerely,

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project

cc: Dana Anderson, Director of Planning Services
Joanna Wice, Assistant Town Solicitor, Legal Services
Christina Tizzard, Manager of Urban Design
Lyn Townsend, Weir Foulds

September 19, 2013

Mr. Joe Nethery
Manager, Zoning By-law Review
Planning Services, Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Mr. Nethery

**Re: Town of Oakville Draft Zoning By-law
1235 Trafalgar Road**

We act on behalf of Dr. M. Gwartz with respect to the property municipally known as 1235 Trafalgar Road in the Town of Oakville. Dr Gwartz has been a major tenant in the building since 1995. The building is occupied primarily by medical and health care professionals.

We have reviewed the new draft Zoning By-law (the "New By-law") released on June 18, 2013 with respect to the above mentioned property. We make this submission to support certain provisions in the New By-law.

Under Part 5 Section 5.1.7 of the New By-law a clause pertaining to the prohibition of Paid Parking states the following, "No charge shall be made for parking spaces in the Neighbourhood Commercial C1 and Community Commercial C2 Zones."

As you are aware, an Ontario Municipal Board ("OMB") Hearing took place regarding matters of paid parking as regulated by the Town of Oakville Zoning By-law. The three week hearing, entailing eight witnesses and 41 exhibits, resulted in an OMB Order (PL090580) dated August 31, 2010 dismissing the appeal with respect to a request to permit paid parking as well as other matters. The Town attended the hearing in support of the position that paid parking should not be permitted on these lands.

We support the language proposed under Part 5 Section 5.1.7 and the direction of the Town on this matter.

If you have any questions please do not hesitate to contact the undersigned.

Sincerely,



Ruth Victor, MCIP RPP



February 12, 2014

Dennis Wood
Wood Bull LLP
65 Queen Street West, Suite 1400
Toronto, ON M5H 2M5

Dear Mr. Wood:

**Re: Town of Oakville Zoning By-law Review
Silgold Comments**

Thank you for your submission on the Town's Zoning By-law Review. Staff have reviewed your letters of September 17, 2013 and November 4, 2013 and per the meeting and additional information submitted at the meeting of January 23, 2014 have the following reply. By point in your original letter:

1. Staff note the mapping discrepancy have extended the proposed Special Provision 42 to the Main Street 2 MU2 Zoned lands.

2 and 6.

The permitted uses proposed in the Mixed Use Zones come from the Livable Oakville Plan policies for Mixed Use designations, which do not appear to have been modified or adjusted by the Exception provided for Silgold in Section 21.5.5(d) of the Plan. Zoning By-law 1984-63, as amended, is inconsistent in terms of terms used and definitions applied – or often not applied with respect to commercial zones. One of the main goals of the inZone project is to provide a consistent approach in terms of terminology across all zones in Oakville. Overall, the 2014 Zoning By-law is proposed to contain a new set of permitted uses, with new terms and definitions.

By point in the appendices provided in the September letter and at the January 23 meeting:

- a. Staff are recommending that a funeral home not be permitted as-of-right where a Mixed Use designation applies in the Livable Oakville Plan. The use could be permitted through a Zoning By-law Amendment;
- b. Footnote 8 next to Place of Entertainment was still showing in error in the second draft (v2.0). It has been removed in the final draft (v3.0) per other comments noted below.
- c. For the interpretations of use terms, staff would need to review a development application or proposal to make a definitive determination of the use (i.e. private or fraternal club, artists' studio), printing and publishing establishment);
- d. A food store would be permitted as a "retail store."
- e. The permission for hotels was deleted in the adoption of the Livable Oakville Plan. Hotels are specifically permitted in a number of other designations (i.e. Urban Centre in Section 12.4.1 and Urban Core in Section 12.5.1). Accordingly, the current zoning permission for hotels is proposed to be deleted from all lands designated Main Street 1 and Main Street 2 across Oakville.
- f. Footnotes 4 and 5, relating to mixing of uses within a building, have been deleted in their entirety from the final draft (v3.0).
- g. Additions are included in the draft Special Provision 42 recognizing the premises size maximum not applying below the 58,000 square metre threshold.



Special Provisions 591 and 592 were reviewed to check their conformity to the Livable Oakville Plan and consistency with the terms proposed to be used in the 2014 Zoning By-law. The Mixed Use Zones permit a broad range of retail and service commercial uses, but not motor vehicle uses of which new uses are not permitted in any of the Mixed Use designations of the Livable Oakville Plan. Any legal existing uses not otherwise permitted would become legal non-conforming uses.

3 and 4.

Front entrance orientation regulations have been removed from the second draft (v2.0) of the 2014 Zoning By-law. On the other issues, the current language is unclear that the size and location regulations/footnotes to Tables 8.2 and 8.3 would not apply. Together, the regulations that need to be recognized in Special Provision 42 are:

- a. First storey floor area maximums (8.2, footnote 7);
- b. Maximum front and flankage yards (8.3);
- c. Minimum number of storeys; and,
- d. Minimum height.

Staff have included appropriate provisions in an updated Special Provision 42 in the final draft (v3.0). Staff's recommended Special Provision will continue to include language limiting the Special Provision to the combined 58,000 square metres cited in Section 21.5.5(d) of the Livable Oakville Plan.

Per the January 24, 2014 meeting, staff will continue to recommend a maximum of 5.0 metres for the yard abutting Trafalgar Road, and note that the main wall proportionality regulations of Section 8.8 are proposed to only apply to new buildings.

Note that as part of recognizing zoning in place, staff have additionally included a minimum parking spaces ratio of 1.0 space per 21.0 square metres of net floor area, per the variance obtained by Silgold Developments Inc. and Silgold II in 2012 (File No. CAV A/027/2012, February 21, 2012) for all non-commercial uses.

5. Staff acknowledge the mathematical error and have adjusted the maximum up to 58,000 square metres in the final draft (v3.0).
6. From the January 23, 2014 meeting, staff are recommending raising the maximum premises size for uses on a first storey and have included a maximum of 1,400 square metres (just over 15,000 square feet) per premises on the first storey in the final draft (v3.0). Staff agree that an increase in the maximum from the current 200.0 square metre through 500.0 square metre maximums (tiered by type of retail store) can provide for additional flexibility in design and tenanting while still providing the Town with a regulatory mechanism to ensure the design policies of the Livable Oakville Plan and imminent Urban Design Guidelines (Livable by Design) can be implemented.

Please also be advised that the staff are anticipating on undertaking "Growth Area Check-ins" scheduled as part of our Long Range Planning section's work program over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. This is a public process and staff intend on creating a project mailing list using inZone project contacts.



Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Sincerely,

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project

cc: Dana Anderson, Director of Planning Services
Christina Tizzard, Manager of Urban Design
Christine Cote, SmartCentres

Joanna Wice, Assistant Town Solicitor, Legal Services
Gabe Charles, Manager of Current Planning – Central District
Scott Zavaros



November 1, 2013

Mayor and Members of Council
c/o Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville ON
L6H 0H3

Dear Mayor and Members of Council

**Re: Public Consultation on Second Draft of Zoning By-law
Neptune Gardens Inc. [REDACTED] Wilson Street**

Thank you for the opportunity to review the second draft of the Town of Oakville Zoning By-law. We have reviewed this on behalf of our client, Neptune Gardens Inc, the owner of the above-noted property and offer the following comments.

Our client is concerned regarding the proposed language of the transition provisions. The subject property was granted approval of a conditional site plan and minor variances by the Ontario Municipal Board on February 27, 2009 (OMB File No. PL081214). Both these approvals precede the timeline proposed in Section 1.9 of the draft Zoning By-law. The Ontario Municipal Board decision does not contain a lapsing date for these approvals. Neptune Gardens has entered into an Offer of purchase and Sale of the subject lands and it is anticipated that the project will be proceeding within the next 12 to 18 months. Our client objects to any provisions within the new Zoning By-law that would remove these approvals granted by the Ontario Municipal Board.

If the transition provisions are not revised, our client has requested that a Special Provision be included in the draft Zoning By-law to recognize the above mentioned approvals.

We are available to meet with Staff to discuss and resolve these concerns.

Yours truly,

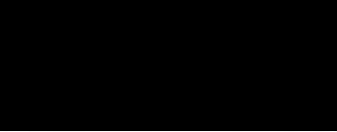
A handwritten signature in black ink, appearing to read "Ruth Victor", is written over the typed name.

Ruth Victor MCIP, RPP

cc. Joe Nethery,
Manager, Zoning By-law Project



IBI Group



October 9, 2013

Mr. Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Town of Oakville
Planning Services
1225 Trafalgar Road
Oakville, ON L6H 0H3

Dear Mr. Nethery:

TOWN OF OAKVILLE ZONING BY-LAW REVIEW TDL GROUP CORP. COMMENTS

IBI Group was retained by TDL Group Corp. (TDL) to review the Town of Oakville Draft Zoning By-law. As part of this process we reviewed the Draft ZBL released in June 2013, as well as the second Draft ZBL released in September 2013. Specifically, IBI was retained to review the Draft ZBL against key property assets owned by TDL, including:

- 226 & 228 Wyecroft Road, which includes a TDL office, Training Centre, Warehouse and Tim Horton's Drive-Thru Restaurant;
- 240 Wyecroft Road, which includes the Wendy's Head Office and Wendy's Drive-Thru Restaurant;
- 874 Sinclair Road, which includes TDL's Head Office; and
- 2379 Speers Road, which includes a manufacturing facility and vacant parcel of land which includes a Site Plan approved Tim Horton's Drive-Thru Restaurant.

We are pleased to provide comments in relation to these above-noted properties. Based on our review, the proposed zoning standards of the Draft ZBL pose several matters of concern, specifically in relation to proposed permitted uses and performance standards. Our concerns, and recommended modifications, are highlighted below, and summarized for each of TDL's properties noted above.

226 & 228 Wyecroft Road

TDL's property, located at 226 & 228 Wyecroft Road comprises a TDL office, warehouse, training centre and Tim Horton's Drive-Thru Restaurant. The Draft ZBL proposes to rezone the site from Employment 1 (E1) Zone to Business Employment (E2-3) Zone. The following outlines concerns related to this property:

- **Permitted Uses:** The proposed E2-3 Zone restricts "Restaurant" and "Drive-Thru" uses. The current E1 Zone permits these uses, which has allowed the Tim Horton's Drive-Thru Restaurant to be permitted on the site. Under the new proposed ZBL, the current uses of the subject site, in part as a restaurant and drive-thru, would no longer be permitted.
- **Maximum Front Yard Setback:** The Draft ZBL introduces maximum front and flankage yard setbacks of 19.5m, whereas the current ZBL 1984-63 does not provide any maximums. The existing buildings on the subject lands significantly exceed the

Mr. Joe Nethery, MCIP, RPP – October 9, 2013

maximum front yard setback proposed for the E2-3 Zone, which would result in non-compliance.

- **Landscape Buffer:** The proposed E2-3 Zone proposes a minimum Buffer/Landscape Strip of 5.0m, whereas the current ZBL 1984-63 requires a minimum of 3.0m. This proposed expanded buffer may cause implications for the site.

Based on the above-noted matters, we recommend that a site-specific standard be applied to recognize the existing uses and standards on the property, pursuant to ZBL 1984-63.

240 Wyecroft Road

TDL's property, located at 240 Wyecroft Road, includes the Wendy's Head Office and Wendy's Drive-Thru Restaurant. Similar to its neighbouring property at 226 & 228 Wyecroft Road, the Draft ZBL proposes to rezone the property from E1 Zone to E2-3 Zone. The following outlines concerns related to this property:

- **Permitted Uses:** The proposed E2-3 Zone restricts "Restaurant" and "Drive-Thru" uses. The current E1 Zone permits these uses, which has allowed the Wendy's Drive-Thru Restaurant to be permitted on the site. Under the proposed ZBL, the current uses of the subject site, in part as a restaurant and drive-thru, would no longer be permitted.
- **Maximum Front Yard Setback:** The Draft ZBL introduces maximum front and flankage yard setbacks of 19.5m, whereas the current ZBL 1984-63 does not provide any maximums. The existing buildings on the subject lands exceed the maximum front yard setback proposed for the E2-3 Zone, which would result in non-compliance.
- **Landscape Buffer:** The proposed E2-3 Zone proposes a minimum Buffer/Landscape Strip of 5.0m, whereas the current ZBL 1984-63 requires a minimum of 3.0m. This proposed expanded buffer may cause implications for the site.

Based on the above-noted matters, we recommend that a site-specific standard be applied to recognize the existing uses and standards on the property, pursuant to ZBL 1984-63.

874 Sinclair Road

TDL's Head Office is located at 874 Sinclair Road, and comprises a 3-storey office building and associated surface parking. The Draft ZBL proposes to rezone the property from E1 Zone to E2-3 Zone. The following outlines concerns related to this property:

- **Permitted Uses:** The Draft ZBL restricts "Restaurant" and "Drive-Thru" uses. A Tim Horton's restaurant has previously operated on this site, as permitted under the current E1 Zone. It is our client's desire to retain this current permission.
- **Maximum Front Yard Setback:** The Draft ZBL introduces maximum front and flankage yard setbacks of 19.5m, whereas the current ZBL 1984-63 does not provide any maximums. The existing buildings on the subject lands exceed the maximum front yard setback proposed for the E2-3 Zone, which would result in non-compliance.
- **Landscape Buffer:** The proposed E2-3 Zone proposes a minimum Buffer/Landscape Strip of 5.0m, whereas the current ZBL 1984-63 requires a minimum of 3.0m. This proposed expanded buffer may cause implications for the site.
- **Parking:** The site is also subject to Committee of Adjustment Decision C.A.V A/57/98, which includes a variance to allow a parking ratio of 1 parking space for every 39m² of leasable floor area. The Draft ZBL would require a minimum parking requirement of 1 space for every 35m² of leasable floor area. In speaking with Town staff, it is our understanding that once the new ZBL is in effect and ZBL 1984-63 is repealed, all

Mr. Joe Nethery, MCIP, RPP – October 9, 2013

Committee of Adjustment Decisions would no longer be in effect. This would pose significant concern for TDL, as repealing the current ZBL would result in non-compliance with respect to parking on the site. As such, we recommend that the Committee of Adjustment Decision be recognized and incorporated into the new ZBL.

Furthermore, based on all above-noted matters, we recommend that a site-specific standard be applied to recognize the existing uses and standards on the property, pursuant to ZBL 1984-63.

2379 Speers Road

An existing manufacturing facility (Fruition Fruits & Fills) currently occupies the site at 2379 Speers Road. The Draft ZBL proposes to rezone the property from E2 Zone to Industrial (E3-4) Zone. Furthermore, a Site Plan has been approved for this property (file # SP.1629.030/01) that identifies a Tim Horton's Drive-Thru Restaurant to be located on the site as part of a future phase. The following outlines concerns related to this property:

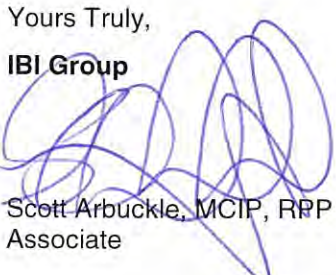
- **Permitted Uses:** The proposed E3-4 Zone restricts "Restaurant" and "Drive-Thru" uses. Although not currently occupying the site, a Site Plan has been approved that identifies a future Tim Horton's restaurant and drive-thru. The current E2 Zone permits such uses, which was used as the basis to include such a phase as part of this development. As a result of the Draft ZBL, the proposed restaurant and drive-thru would not be permitted.
- **Maximum Front Yard Setback:** The Draft ZBL introduces maximum front and flankage yard setbacks of 19.5m, whereas the current ZBL 1984-63 does not provide any maximums. The existing building on the subject lands significantly exceeds the maximum front yard setback proposed for the E3-4 Zone, which would result in non-compliance.
- **Landscape Buffer:** The proposed E3-4 Zone proposes a minimum Buffer/Landscape Strip of 5.0m, whereas the current ZBL 1984-63 requires a minimum of 3.0m. This proposed expanded buffer may cause implications for the site.

Based on the above-noted matters, we recommend that a site-specific standard be applied to recognize the existing uses and standards on the property.

We would like to thank you for your consideration of our request, and would be available to arrange a meeting should you wish to discuss this further. If you have any questions regarding our comments, please do not hesitate to contact the undersigned.

Yours Truly,

IBI Group


Scott Arbuckle, MCIP, RPP
Associate


Michael Lipkus, MES, MCIP, RPP

cc: Garry Fraser – TDL Group Corp.

Joe Nethery

From: Joe Nethery
Sent: Thursday, January 30, 2014 5:11 PM
To: 'Michael Lipkus'
Cc: 'Scott Arbuckle'; 'fraser_gary'; [REDACTED] Dana Anderson; Diane Childs
Subject: RE: Draft Zoning By-law (inZone) - TDL Group Comments
Attachments: 1629.030.02_Status_e-mailNov_2005.pdf; 2009 DTS Dana Email.pdf; drivethroughlocationsmap.JPG

Categories: v2.0 Inputs

Good afternoon Scott and Michael –

Per your October 9, 2013 letter and our meeting of January 20, 2014, staff have the following reply to your letter re: TDL Group. By group of addresses:

Sinclair/Wyecroft (HQ)

A new Special Provision is proposed in the final draft (v3.0) of the 2014 Zoning By-law that would permit restaurants on the four properties (being the three properties named plus the former road). The footnote would additionally state that the maximum net floor area proposed for the use elsewhere in the Business Employment E2 Zone would not apply on these properties. This recognizes the current situation on the subject properties.

The Special Provision will also contain a reduced parking rate of 1/39 sq.m net floor area for all uses on 874 Sinclair Road. Staff are also recommending a new clause permitting parking spaces required for any uses to be located on any of the four lots subject to the Special Provision.

Maximum yards are proposed to be deleted from the Business Employment E2 Zone, and the minimum front yard and corresponding minimum width of landscaping requirement are proposed to be reduced to 3.0 metres, matching the current standard.

[REDACTED]
Staff have reviewed our paper and electronic files for [REDACTED] Speers Road. (The same yard and landscaping comment above would apply to this lot as well.)

We note that the original Site Plan (file no. SP 1629.030/01) was for a warehouse, manufacturing facility, and restaurant with drive-through. Prior to the approval of the Site Plan, the restaurant and drive-through were removed from the drawings and labelled as a future development block, similar to the rear of the lands. Per a November 2005 status update from TDL in our files, the restaurant approval was abandoned to speed up approval of the industrial component. (For information, some deficiencies remain on the property and the Town continues to hold a Letter of Credit on the property. I would suggest contacting Frank Price in our Development Engineering department regarding clearing these issues.)

A second Site Plan application was received (file no. SP 1629.030/02) on January 10, 2006. The last correspondence is dated May 19, 2006 from TDL, containing updated plans and a traffic study. None of the Town's files (paper or electronic) contain any further information regarding an approval of the drive-through.

Staff have undertaken two additional searches in an attempt to confirm the status of the application on the property. The first was a title search for any record of a subsequent Site Plan Agreement being registered on title. Neither property contains a subsequent agreement. The second was a review of the various Drive-through Study

APPENDIX C

folders, where existing and approved/pending drive-throughs in Oakville were identified on study maps and pending applications. Neither the study map nor the list of active applications ("2009 DTS Dana Email") contains any indication of an active application on [REDACTED] Speers.

In my opinion, there is no drive-through or restaurant approval on [REDACTED] Speers Road. Accordingly, staff will not recommend maintaining the zoning permission on the property as it does not conform to the Livable Oakville Plan.

Thank you for your patience and contributions to the inZone project. We will be sending out an email to the project mailing list when the final draft (v3.0) is online and available for review. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

From: Michael Lipkus [REDACTED]
Sent: Friday, November 01, 2013 9:52 AM
To: TownClerk
Cc: Joe Nethery; Scott Arbuckle; [REDACTED]
Subject: Draft Zoning By-law (inZone) - TDL Group Comments

Good morning,

On behalf of our client, TDL Group Corp., we are pleased to submit the attached comment letter relating to the Draft Oakville Zoning By-law, for consideration at the statutory public meeting on November 4, 2013.

Please do not hesitate to contact me if you have any issues opening the attached document, or if you require anything further.

Thank you.

Michael Lipkus MES MCIP RPP

IBI Group
[REDACTED]
[REDACTED]
[REDACTED]

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IBI Group

October 17, 2013

Mr. Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Town of Oakville
Planning Services
1225 Trafalgar Road
Oakville, ON L6H 0H3

Dear Mr. Nethery:

**TOWN OF OAKVILLE ZONING BY-LAW REVIEW
IGRI ADVISORS INC. COMMENTS**

WINSTON CHURCHILL BOULEVARD, TOWN OF OAKVILLE

IBI Group was retained by IGRI Advisors Inc. (IGRI) to review the Town of Oakville Draft Zoning By-law (ZBL). As part of this process, we reviewed the Draft ZBL released in June 2013, as well as the second Draft ZBL released in September 2013. Specifically, we were retained to review the Draft ZBL against IGRI's property, municipally located at 772 Winston Churchill Boulevard.

The subject property is currently vacant and is zoned Light Employment (E1) SP:746 and H19-E1, pursuant to the current ZBL 1984-63. The Draft ZBL proposes to rezone the property to Business Employment (E2) and Natural Area. Based on our review, the proposed zoning standards of the Draft ZBL pose several matters of concern. These matters are highlighted below.

Permitted Uses

It is IGRI's intention to develop this land for future employment and commercial uses. The current E1 Zone applying to the property permits a wide range of employment, commercial and industrial uses, and it is important that opportunities remain that continue to permit these uses. The proposed E2 Zone prohibits specific uses that are currently permitted in the E1 Zone, including Drive-Thru Facility, Outside Storage, Restaurant, Vehicle Repair Facility and Vehicle Dealership uses. It is our opinion that the proposed change in Zone, and therefore the removal of current permitted uses, precludes the ability for IGRI to appropriately develop their site, and further limits the range of uses that may be accommodated on the subject lands.

As such, we recommend that a site-specific standard be applied to the subject lands to allow the permitted uses, pursuant to the E1 Zone of the current ZBL 1984-63.

Outdoor Storage and Special Provision 746

Outdoor storage is currently considered a permitted use on the subject lands through Special Provision 746, among a list of additional permitted uses. As noted in the current ZBL 1984-63, the permitted uses and standards subject to Special Provision 746 was approved by the Ontario Municipal Board (Orders 1356 and 1534, issued November 12, 2002). A key component of this Special Provision includes the permission of outdoor storage and a series of specific standards that mitigate the establishment of outdoor storage to adjacent areas. These standards were

Mr. Joe Nethery, MCIP, RPP – October 17, 2013

established in response to the sensitivities of establishing such a use in close proximity to nearby natural areas and residential communities.

As you may be aware, use-specific standards provided in Special Provision 746 prohibit outdoor storage within certain proximity to natural areas, as well as within front yards and yards abutting Winston Churchill Boulevard. Additional provisions apply that require appropriate screening and enclosure of outdoor storage uses, and require the appropriate storage of materials. Considering the foregoing, it is our client's desire to maintain Special Provision 746, which would uphold the Board's Decision and maintain site-specific provisions that consider appropriate mitigation between outdoor storage and adjacent uses.

The proposed zone change to the E2 Zone results in the prohibition of outdoor storage uses, and does not carry forward Special Provision 746. This may cause implications in securing future employment opportunities on the subject lands, particularly for Industrial Uses, which are permitted in the proposed E2 Zone. As such, we recommend that outdoor storage remain as a permitted use on the subject lands, and the provisions of Special Provision 746 be applied to the subject lands.

Yard Setbacks


The Draft ZBL introduces a maximum front yard setback of 19.5m, whereas the current ZBL 1984-63 does not provide any maximum. We understand the intent of establishing maximum setback provisions, however, introducing such standards for this site along Winston Churchill Boulevard may limit built form and site configuration matters. In order to allow for appropriate access, parking and vehicle circulation throughout the site, buildings may be more suitable to be situated beyond the proposed maximum setback. We would like to ensure that zoning performance standards continue to provide the flexibility and that IGRI may develop their site without having to apply for further variances or zoning by-law amendments, which can be timely and costly.

As such, we recommend that a site specific standard be applied to the subject property, allowing an exemption from the maximum front yard setback requirement.

We would like to thank you for your consideration of our request, and would be available to arrange a meeting should you wish to discuss this further. If you have any questions regarding our comments, please do not hesitate to contact the undersigned.

Yours Truly,

IBI Group


Scott Arbuckle, MCIP, RPP
Associate


Michael Lipkus, MES, MCIP, RPP

cc: Ed Bowen – IGRI Advisors Inc.



February 10, 2014

Scott Arbuckle, MCIP RPP and Michael Lipkus, MCIP RPP
IBI Group
308-30 Eglinton Avenue West
Mississauga, ON L5R 3E7

Dear Messrs. Arbuckle and Lipkus:

Re: Town of Oakville Zoning By-law Review
IGRI Advisors Inc. (██████████) Winston Churchill Boulevard)

Thank you for your submission on the Town's Zoning By-law Review. Staff have reviewed your letter of October 17, 2013 and further to our meeting of January 20, 2014 have the following reply. By point in your letter:

1. Through the inZone conformity official plan amendment, staff are proposing adding existing service commercial uses (limited to restaurants, financial institutions, and drive-through facilities) and new service commercial uses (subject to the same limitations as above and an additional policy direction that the use be permitted on the same lot as another permitted use in the designation) as permitted uses in the Business Employment designation through the inZone Conformity OPA.

The staff recommendation in the final draft (v3.0) of the 2014 Zoning By-law is to permit new restaurants and financial institutions on a lot in the Business Employment E2 Zone, subject to a maximum net floor area of 20% of the total net floor area on the lot and that prior construction has occurred to provide an equal amount of floor space on the lot for a permitted use on the lot not subject to this limitation (i.e. business office, manufacturing). The 20% maximum is derived from current zoning restrictions relating to discounted minimum parking requirements. This amount of scaling is the maximum staff can support outside of a comprehensive review of the commercial and employment lands policy framework. Legal existing uses in stand-alone buildings shall additionally be permitted with no maximum net floor area.

New restaurants or larger restaurants could potentially be permitted through a minor variance or zoning by-law amendment.

2. The Livable Oakville Plan has introduced new designation boundaries in the vicinity of the property. In addition, the rear portions of a number of residential lots along Claremont Crescent (those nearest to the subject property) are currently zoned Parkway Belt Public Use O5. These lots are split-zoned. The second draft (v2.0) implements the new Plan boundaries that rationalize this discrepancy. The setback from the residential lots, scaled from the draft zoning maps, ranges between approximately 60 metres to the lot line and 110 metres to the current O5 Zone boundary. A new Special Provision is included in the final draft (v3.0); however, the new number was omitted from Map 19(10). Special Provision 201 shall additionally apply to permit additional outside storage.
3. The maximum yard requirements are proposed to be deleted in the final draft (v3.0).



Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Sincerely,

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project

cc: Dana Anderson, Director of Planning Services
Joanna Wice, Assistant Town Solicitor, Legal Services
Cathie Best, Clerk

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 11:51 AM
To: 'Scott Arbuckle'
Cc: 'Michael Lipkus'; 'ed.bower' [REDACTED] Dana Anderson; Denis Daoust; Diane Childs; Joe Nethery
Subject: RE: Draft Zoning By-law (inZone) - IGRI Advisors Inc. Comments

Good morning Scott –

Per our phone conversation yesterday, the Natural Area N Zone boundary will be realigned to follow the creek realignment, per the February 11, 2014 email attachment. That will show up in the updated final draft (v3.1).

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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From: Scott Arbuckle [REDACTED]
Sent: Monday, February 10, 2014 6:07 PM
To: Joe Nethery
Cc: Michael Lipkus; [REDACTED] Dana Anderson; Denis Daoust; Diane Childs; Joe Nethery
Subject: Re: Draft Zoning By-law (inZone) - IGRI Advisors Inc. Comments

Thanks for the letter Joe. I'm unclear from same how the discrepancy in the width of the OS block (60m as we discussed) is being rationalized relative to the actual width of the realigned creek (40m as we discussed). Can you advise?

Thx. S.

Sent from my iPhone

On Feb 10, 2014, at 5:51 PM, "Joe Nethery" <JoeNethery@oakville.ca> wrote:

Good evening Michael –

The following letter is being sent in the mail tomorrow re: this previous submission. Thank you for your patience in awaiting our reply.


Joe Nethery, MCIP, RPP

**Manager, Zoning By-law Project
Planning Services**

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca

<imagecec737.JPG>

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From: Michael Lipkus [REDACTED]
Sent: Friday, November 01, 2013 9:54 AM
To: TownClerk
Cc: Joe Nethery; Scott Arbuckle; [REDACTED]
Subject: Draft Zoning By-law (inZone) - IGRI Advisors Inc. Comments

Good morning,

On behalf of our client, IGRI Advisors Inc., we are pleased to submit the attached comment letter relating to the Draft Oakville Zoning By-law, for consideration at the statutory public meeting on November 4, 2013.

Please note there was an issue with a previous email I had submitted related to these comments. Please disregard the previous email. My apologies for the confusion.

Please do not hesitate to contact me if you have any issues opening the attached document, or if you require anything further.

Thank you.

Michael Lipkus MES MCIP RPP

IBI Group
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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<39 - Lipkus - Reply.pdf>

October 10, 2013

Denise Baker

VIA E-MAIL JNETHERY@OAKVILLE.CA

Joe Nethery, Manager Zoning By-law Project
Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H0H3

Dear Mr. Nethery:

Re: Town of Oakville Proposed Zoning By-law
Winston Churchill Blvd

Please be advised that we represent Westerkirk Capital Inc., the owner of the lands on the west side of Winston Churchill Boulevard, north of Deer Run Avenue and south of the railway spur line, legally described as Part of Lot 1, Concession 3 S.D.S., and municipally known as Winston Churchill Boulevard, (the "Subject Lands").

The Subject Lands are designated Business Employment in the Livable Oakville Plan and are also the subject of an exemption in Part E subsection 27.2.5 of the Official Plan which states that "outside storage may be permitted provided that it is not adjacent to the open space corridor and is appropriately buffered from the residential area to the west."

The Subject Lands are currently zoned E1 SP:746 in the in force zoning by-law which is a site specific special provision that takes into consideration the specific attributes of the site. The proposed zoning by-law purports to delete the site specific special provision and zone the property E2. In doing so, some of the permitted uses and the regulations associated with those permitted uses are proposed to be changed to the detriment of my client.

The proposed zoning by-law would eliminate a number of the uses that are currently permitted on the site as of right which will negatively impact the future development of the property.

For example, the proposed zoning would no longer permit the following uses:

- Drive-Thru Facility
- Financial Institution
- Limited Retail
- Outside Storage
- Place of Amusement – employment
- Restaurant
- Service Establishment – Commercial

- Vehicle Dealership
- Vehicle Repair Facility

We are not aware of any study that has been completed to date that justifies the removal of these uses from the special provision that currently applies to the Subject Lands. As an example, one of the uses that is currently permitted but is proposed to be deleted is outside storage. However, the Livable Oakville Plan contemplates outside storage on the Subject Lands subject to specific locational and buffering criteria. This criteria is consistent with regulations pertaining to outside storage found in the in-force site specific zoning and it is therefore unnecessary to remove the permission for outside storage on this site.

We would respectfully request that the current special provision that applies to the Subject Lands be recognized and carried forward as a site specific special provision into the proposed new zoning.

We will continue to review to proposed uses and regulations in the second draft of the proposed new zoning by-law as well as any subsequent drafts that may come available and reserve our right to provide further comments at a later date.

If you have any questions with respect to the above, please do not hesitate to contact the undersigned or Westerkirk's planning consultant, John Rogers and Associates.

Yours truly,

WeirFoulds LLP



Denise Baker

DB

cc: Client
John Rogers
Mark Rogers

5750206.1



February 10, 2014

John Rogers
John D. Rogers & Associates Inc.
34 Thomas Street
Mississauga, ON L5M 1Y5

Dear Mr. Rogers:

**Re: Town of Oakville Zoning By-law Review
WesterkirkCapital Inc. (██████████ Winston Churchill Boulevard)**

Staff has the following reply to Ms. Baker's letter of October 10, 2013. She notes that I should reply to you as Westerkirk's planner. By point in her letter:

1. Through the inZone conformity official plan amendment, staff are proposing adding existing service commercial uses (limited to restaurants, financial institutions, and drive-through facilities) and new service commercial uses (subject to the same limitations as above and an additional policy direction that the use be permitted on the same lot as another permitted use in the designation) as permitted uses in the Business Employment designation through the inZone Conformity OPA.

The staff recommendation in the final draft (v3.0) of the 2014 Zoning By-law is to permit new restaurants and financial institutions on a lot in the Business Employment E2 Zone, subject to a maximum net floor area of 20% of the total net floor area on the lot and that prior construction has occurred to provide an equal amount of floor space on the lot for a permitted use on the lot not subject to this limitation (i.e. business office, manufacturing). The 20% maximum is derived from current zoning restrictions relating to discounted minimum parking requirements. This amount of scaling is the maximum staff can support outside of a comprehensive review of the commercial and employment lands policy framework. Legal existing uses in stand-alone buildings shall additionally be permitted with no maximum net floor area.

New restaurants or larger restaurants could potentially be permitted through a minor variance or zoning by-law amendment.

2. Further to the above, service commercial permissions are proposed to be limited and therefore service establishment – commercial (proposed to be called “service commercial establishment”), and “place of amusement – employment” (proposed to be replaced with “place of entertainment”) are proposed to be deleted as permitted uses from all lands designated Business Employment across Oakville.
3. The term “limited retail” is proposed to be replaced with a reduced “accessory retail store and showroom” permission accessory to other employment uses (i.e. counter sales for a “wholesale and distribution” enterprise) or “retail store” where retailing is the predominant use. Depending on the exact nature and scale of the use, the use could fall under any of a number of other terms. Staff would provide an interpretation where an exact scenario is proposed.



4. The Livable Oakville Plan has introduced new designation boundaries in the vicinity of the property. In addition, the rear portions of a number of residential lots along Claremont Crescent (those nearest to the subject property) are currently zoned Parkway Belt Public Use O5. These lots are split-zoned. The second draft (v2.0) implements the new Plan boundaries that rationalize this discrepancy. The setback from the residential lots, scaled from the draft zoning maps, ranges between approximately 60 metres to the lot line and 110 metres to the current O5 Zone boundary. A new Special Provision is included in the final draft (v3.0); however, the new number was omitted from Map 19(10). Special Provision 201 shall additionally apply to permit additional outside storage.
5. The permission for motor vehicle uses was deleted in the adoption of the Livable Oakville Plan. These uses are specifically permitted in a number of other designations, including (as proposed in the inZone conformity Official Plan Amendment) selected areas in the Business Employment designation. This was reviewed as part of the [Automobile Related Uses Study](#), a subset of the inZone project received by the inZone subcommittee on October 22, 2012. Accordingly, the current zoning permissions for the various motor vehicle uses are proposed to be deleted from a number of properties in the Business Employment designation.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Sincerely,

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project

cc: Dana Anderson, Director of Planning Services
Joanna Wice, Assistant Town Solicitor, Legal Services
Cathie Best, Clerk

Tankmart International™

October 17, 2013

Attention: Mr. Joe Nethery
Manager, Zoning By-law Project

Re: Tankmart International, [REDACTED] Wyecroft Road, Zoning By-law 2014

Dear Mr. Nethery,

We met last evening at the open house in the Queen Elizabeth Park Community and Cultural Centre. I attended this evening to get a better understanding of the advice of Zoning By-law 1984-63 proposed changes as it affects our property.

Previous to meeting you I had a conversation with Diane Childs and she reviewed the strategy for the proposed changes. While at Tankmart we completely understand the reasons for changes we have concerns. In December 1999 we purchased this property and it has been a good fit. We expanded our use as we had originally planned and we are looking to purchase new property in Oakville to continue to grow. The facility we own will work for us without problem for as long as we are here. The issue arises if we plan to sell. The intended use for this facility is a transportation terminal. The location is across the road from a transportation terminal that is zoned correctly. The new plan as previously does not allow for the designed use. Diane suggested that we send you this letter to review our request to retain the same Special Provision 731 we had achieved regarding "Tankmart Holdings Inc. Lot 8, Plan M-167 (By-law 2002-046) [REDACTED] Wyecroft road. See the attached copy.

In 2001 we had a letter with this same scenario as we are in now and found ourselves with legal council and a planning consultant dealing with the OMB and Town solicitor. The short story is we received the site specific by-law that met our needs. Our hopes are that once you have reviewed this file that you could see moving forward to make the recommendation that we receive this same end result. We are hoping to avoid the very costly process we went through last time with the expectation of putting the issue to rest once and for all. I would suggest that we believe this is a very unfair act to put us in the position to spend in the area of \$20,000.00 to allow us to retain the right to use and dispose of property for what it was designed and built. Then 10 years later after the plan that was not ever adopted is discarded and we start the process again. We in good faith followed due process.

It is my intention to attend the Public Meeting November 4 at 7 PM. I will be requesting to be heard on this matter regarding our file. We would appreciate your support and recommendation of a site specific special provision as requested.

Yours truly,



Kevin Brown
Tankmart International

Cc:
Ron Laberge – VP Tankmart International

Diane Childs – Manager, Long Range Planning, Planning Services



November 4, 2013

Kevin Brown
Tankmart International
2231 Wyecroft Road
Oakville, ON L6L 5L7

Dear Mr. Brown:

**Re: Town of Oakville Zoning By-law Review
Tankmart International (2231 Wyecroft Road)**

Thank you for your submission on the Town's Zoning By-law Review. Staff have reviewed your letter of October 17, 2013 and have the following reply.

Upon review as a project team, staff concur that the use should be permitted as-of-right in the 2014 Zoning By-law. Since the 2002 OMB Hearing, the use has operated without issue in this location. In order to recognize the use, a corresponding permission is required in the Livable Oakville Plan. The Livable Oakville Plan currently does not permit "transportation terminals" within the Business Employment designation, which is the designation applied to your property.

Staff's recommendation is to add an Exception to the Livable Oakville Plan additionally permitting the transportation terminal on your property, which will allow staff to recommend a corresponding Special Provision in the 2014 Zoning By-law permitting the use. Staff will include each of these in the next draft of each document – for the Zoning By-law, that would be the final draft (v3.0).

With respect to project timing, the statutory public meeting is scheduled for Monday, November 4, 2013. A number of changes will be made to the draft zoning based on continued staff review and public input received over the remainder of 2013. Please continue to follow the inZone project as we move toward Council's passing of the By-law tentatively scheduled for February 10, 2014. I have added your name to the inZone project mailing list.

If you have any questions or desire a further meeting on this site, please do not hesitate to contact us.

Sincerely,

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project

cc: Dana Anderson, Director of Planning Services
Diane Childs, Manager of Long Range Planning
Lesley Gill Woods, Planner – Long Range
Cathie Best, Clerk

Joe Nethery

From: Joe Nethery
Sent: Monday, February 10, 2014 7:25 PM
To: 'Boyd Waites'; 'Neil Lester'
Cc: Scott Hannah; Dana Anderson; Diane Childs; Denis Daoust; Carolyn Van Sligtenhorst; Joe Nethery
Subject: RE: InZone
Categories: v2.0 Inputs

Good evening Boyd and Neil –

Staff has the following reply to your October 21 email. By point:

1. The maximum height contained in the proposed Special Provision 11 has been revised to match the current Zoning By-law 1984-63 measurement: 10.5 metres, measured to either the highest point, deck line, or ridge, depending on the roof type.
2. The staff report being released this week contains detailed analysis and comment on the First and Second Street HCD proposed zoning. In summary, heights are reduced to 10.0 metres on most lots (increased to legally existing on six lots) and 2 storeys. Maximum lot coverage is reduced to 25% on most lots, 30% on six lots, and that legally existing on the effective date of this By-law on six additional lots. The -O Suffix Zone is not proposed to apply within the HCD; therefore, the proposed residential floor area maximum would not apply. The heritage permit process would be used to review appropriate massing and setbacks for buildings and additions.
3. The Community Use CU Zone remains proposed to be applied to the places of worship and Town-owned lands in Downtown Oakville. However, a revision is proposed to the Community Use CU Zone that limits the height on existing buildings to that legally existing on the effective date of this By-law. The height for new buildings would be reviewed at the Site Plan Approval stage.
4. The maximum height of the Residential High RH Zone is proposed in the final draft (v3.0) to be the height legally existing on the effective date of this By-law. Any additional height would require relief from the By-law. Also note that staff are recommending placing the dwellings immediately to the west in new categories recognizing the uses legally existing today.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Boyd Waites
Sent: Monday, October 21, 2013 2:21 PM

APPENDIX C

To: Joe Nethery; Scott Hannah

Cc: Neil Lester

Subject: InZone

Hi Joe and Scott,

As a follow-up from our brief discussion at the open house last week I wanted to summarize the clarifications we would like to see:

Regarding the areas south of Lakeshore from Navy to Chartwell staff were going to look at the maximum height of 12.5m, with respect to whether this is appropriate particularly in the Heritage Districts, Heritage staff were going to do an inventory of current heights to ascertain if 12.5m is appropriate given the change the way height is calculated. We feel that the effect should be to maintain a similar maximum height to that that already exists and so the maximum height may need to be increased or decreased or left as is. Can you clarify what is now suggested and if there is any supporting material regarding an inventory of current heights.

Staff and the heritage planners were going to look at the potential to standardize the zoning across the First and Second Street Heritage District. It seems like the First and Second Street Heritage district has been standardized to the lower of the two older zones, this is a little concerning as it appears to mean that on the East side of Second St the lot coverage will move from 35% to 22%, which we feel is not necessarily appropriate, can you supply information and clarity on this.

Staff were going to review the application of the Community Use CU Zone within Downtown Oakville specifically regarding height restrictions, has this been addressed and what is the result.

Staff were going to review the maximum height of the Residential High RH Zone on the south side of Lakeshore to the East of Allan St, also would like clarification on what changed here.

Joe Nethery

From: Dana Anderson
Sent: Monday, October 21, 2013 7:35 PM
To: Joe Nethery; Diane Childs
Subject: Fwd: Proposed zoning by-law 2014-xx

Categories: v2.0 Inputs

FYI

Sent from my iPhone

Begin forwarded message:

From: Margaret Emerson [REDACTED]
Date: October 21, 2013 at 7:22:30 PM EDT
To: <mayor@oakville.ca>, <pdamoff@oakville.ca>, <cduddeck@oakville.ca>, <danderson@oakville.ca>, <pkozelj@oakville.ca>
Cc: Margaret Emerson [REDACTED] Bruce Emerson' [REDACTED] <jokhio@oakville.ca>
Subject: Proposed zoning by-law 2014-xx

Dear Mayor Burton, Councillor Damoff, Councillor Duddeck, Ms. Anderson, and Mr. Kozelj,

It has just come to our attention that the Town of Oakville is considering the implementation of a zoning amendment which would render our property almost worthless for resale, and severely restrict any possible expansion of our existing home.

We currently live on a property that is 60' wide and 140' deep, in an original bungalow which is 1500 square feet that includes a single car garage. The proposed zoning amendments, which would change the current 33% coverage allowed for a new build, to 19% coverage, would affect us in the following ways:

- We would be able to keep the bungalow and build on to our house for a total of 35% of the property, or,
- Build a new bungalow that would cover 35% of the property, or,
- We could build a 2-storey at 19% coverage for a total of 2000 square feet which would have to include both the ground floor, second floor, and any garage
- Apparently the jury is out on what to do with a 1 ½ storey

APPENDIX C

- With the new setback rules we could only move forward 2 metres at the front

Our concerns:

- We do not want to build in the back because of the existing floor plan and garden layout
- To build at 35% coverage we would be basically in our neighbours' back yard, even with this depth of property, plus it would not work with the age and size of the existing trees in our mature backyard
- A 1000 square foot main floor is very small for a growing family, 1000 square feet on the second floor doesn't make for reasonably-sized bedrooms, and in any event, we don't want to be forced to build up
- By being restricted to moving only 2 metres at the front, we could not possibly make the renovations that we are looking at doing.

We do not advocate the large 'monster' homes that are sometimes seen in these neighbourhoods – where homes are too close to their neighbours and bumper to bumper on the property lines. We support good sound decisions that enhance the neighbourhood, and continue to keep property values in a stable rate of growth. We feel that the intent of the proposed zoning amendment can be accomplished with a reduction to somewhere in the 25-30% range, and not the enormous reduction in coverage that is being considered.

We feel very strongly that if this decision goes forward, it will render our property useless for any form of reasonable redevelopment or valid resale, as it will for hundreds of other properties here in Oakville.

Furthermore, in speaking with many friends and neighbours, it is apparent that this proposed change has been very poorly publicized, and that there isn't widespread knowledge or understanding of the impacts of this proposal even among those who are typically very aware of local concerns.

It is our hope that the Town will reconsider the potential negative impacts of such a change in zoning, and consult widely and closely with all concerned stakeholders to come to a better and more reasonable figure that represents an optimum balance that will protect current property owners and neighbourhoods, while serving as a deterrent for further out-of-scale redevelopment.

We would like to reserve our right to appeal such a drastic change to the Ontario Municipal Board.

Oakville has been a wonderful place to live, work, and bring up our family, and invest in ourselves and our future, and we hope that a more reasonable amendment to the current zoning will allow that to continue.

Margaret and Bruce Emerson

Dana Anderson, MCIP, RPP
Director
Planning Services

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Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 2:09 PM
To: 'Crawford, Shawn'
Cc: 'McQuinn, Deborah'
Subject: RE: Zoning for 1258 Rebecca Street (former St. Hilda's Church property)

Categories: v3.0 Inputs

Yes, you are right, I updated the ZBL text but not the mapping. That will show up in the updated final draft (v3.1) later this week.

From: Crawford, Shawn [REDACTED]
Sent: Wednesday, February 12, 2014 1:16 PM
To: Joe Nethery
Cc: McQuinn, Deborah
Subject: Zoning for 1258 Rebecca Street (former St. Hilda's Church property)
Importance: High

Good afternoon Joe, staff have reviewed the Updated Final Draft (v3.1) of the Town's 2014 Zoning By-law and have identified that the Town has not amended the zoning for 1258 Rebecca Street (former St. Hilda's Church property), as stated in your letter dated November 4, 2013 (attached for your reference).

Your letter had indicated that staff will propose the site be zoned "Residential Low RL2-0" in the final draft. I have attached a copy of Map 19(3) and highlighted 1258 Rebecca Street and as noted there is no amendment to this property stating "RL2-0". This property still has a "CU" designation.

Could you please implement this amendment (and confirm) as required to meet your February 25th, 2014 as stated in the email below.

Thanking you in advance.

Shawn

Shawn Crawford
Director, Asset Management
Legislative and Planning Services
The Regional Municipality of Halton
1151 Bronte Road
Oakville, Ontario
Canada
L6M 3L1
[REDACTED]

905-825-6000 Ext. 7656

From: Joe Nethery [<mailto:JoeNethery@oakville.ca>]
Sent: Wednesday, February 12, 2014 9:39 AM
To: Joe Nethery
Subject: inZone: Updated Final Draft (v3.1) Online Friday

Joe Nethery

From: David Faye [REDACTED]
Sent: Wednesday, October 23, 2013 9:17 AM
To: Diane Childs
Cc: Joe Nethery; Charlene Lafrance; Davide Baldassarra
Subject: Office Employment Designation Livable Oakville

Categories: v2.0 Inputs

Diane,

Subsequent to our meeting yesterday, I revisited the Office Employment provisions in Livable Oakville and note that Light Industrial uses are permitted. This should assist in addressing some of the uses which Melrose Investments is concerned about losing for the property at [REDACTED] Speers Road. Please advise.

Regards,
David Faye

--

[David Faye & Associates Inc.](#)

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

DAVID FAYE & Associates Inc.

Land
Management
Group

November 1, 2013

Town of Oakville
Planning Services Department
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Attention: Diane Childs, MCIP, RPP

Re: **Draft 2014 Oakville Zoning By-law**

Dear Ms. Childs:

We appreciated the opportunity to meet with you, Joe Nethery, and Charlie McConnell on October 22, 2013 to discuss proposed use permissions in the draft 2014 Zoning By-law which will impact both developed and undeveloped properties owned by Melrose Investments Inc. ("Melrose") designated for employment uses.

Melrose's employment lands are located in the Burloak Employment Area, on Speers Road between Third Line and Fourth Line, and on Cornwall Road west of Maplegrove Road.

Burloak Employment Area

Melrose Business Park fronts on the South Service Road immediately east of the RioCan power centre and extends southerly all the way to the CN Railway. These lands are currently zoned E1 *Light Employment* north of the proposed Wyecroft Road extension and E2 *General Employment* south of the proposed Wyecroft Road extension.

The proposed zoning in the draft 2014 By-law is E2 *Business Employment* north of the proposed Wyecroft Road extension and E3 *Industrial* south of the proposed Wyecroft Road extension.

In reviewing the range of permitted uses in the E1 and E2 zones in By-law 1984-63 versus the range of permitted uses proposed by staff in the new E2 and E3 zones in the draft 2014 By-law, we note that certain existing use permissions have been eliminated while certain permissions for new uses have been added. While Melrose is generally satisfied with the new proposed E2 and E3 zoning, we ask staff to consider the addition of the following uses which we believe are appropriate for the new E2 zone: financial institution, place of entertainment, restaurant, taxi dispatch, community centre, and private school.

Melrose also owns 2 blocks of land on the south side of existing Wyecroft Road opposite the RioCan retail block which were purchased from RioCan several years ago. These lands are presently zoned *General Employment* and are proposed to be zoned *Industrial* in the draft 2014 Zoning By-law.

Special Provision 754 in By-law 1984-63 applies to the entire RioCan development site. A portion of Special Provision 754 has been reproduced in Special Provisions 259 and 260 in the draft 2014 By-law. We believe Special Provisions 259 and 260, as drafted, do not capture the full intent of the regulations in the existing Special Provision 754. This affects the Melrose lands south of existing Wyecroft Road. Further discussion with staff is required.

Speers Road

Melrose owns an industrial building at 1410 Speers Road zoned T1 *Transitional* in By-law 1984-63. The Livable Oakville designation is currently *Office Employment* which also permits light industrial uses. Staff are proposing to change the OP designation from *Office Employment* to *Business Commercial*, and change the zoning in the draft 2014 By-law to E4 *Business Commercial*, which does not permit light industrial uses.

The Melrose building is a well-maintained 40 year old building on the edge of an area of industrial buildings of similar age. Uses in this area are a mix of manufacturing, wholesaling and distribution, contracting, used automobile sales, car repair shops, taxi and limousine services, carpet cleaning, towing services, and similar uses.

The Melrose building has provided rental space for light industrial and wholesaling and distribution uses for over 40 years. The current location and building are still appropriate for these types of uses. It will take time for the surrounding area to redevelop to attract a greater proportion of business commercial uses.

Consequently, Melrose still requires zoning permissions for light industrial and wholesaling and distribution uses in order to fully lease its building at 1410 Speers Road, and wishes to continue to work with staff to develop a broader range of uses appropriate for this location.

Cornwall Road

Melrose owns 2 parcels of land on the south side of Cornwall Road and 1 parcel on the north side of Cornwall Road zoned T1 *Transitional* in By-law 1984-163. The proposed zoning in the draft 2014 By-law is E2 *Business Employment*.

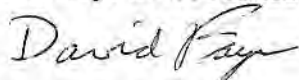
The 2 Melrose parcels on the south side of Cornwall Road have been/are being developed with office buildings. The property on the north side of Cornwall Road is being considered for office use.

Melrose is generally satisfied with the range of uses proposed in the new E2 zone, but asks that staff consider the addition of financial institution, place of entertainment, restaurant, community centre, and private school as appropriate uses for the E2 zone.

In conclusion, Melrose looks forward to further constructive dialogue with staff regarding the draft 2014 Zoning By-law before its adoption by Council in the new year.

Yours truly,

David Faye & Associates Inc.



David Faye, MCIP, RPP

cc. Melrose Investments Inc.

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 9:10 PM
To: [REDACTED]
Cc: 'Charlene Lafrance'; 'Davide Baldassarra'; 'Silvio Guglietti'; Lesley Gill Woods; Diane Childs; Dana Anderson; Denis Daoust; Joe Nethery
Subject: RE: 2014 Zoning By-law
Categories: v2.0 Inputs

Good evening David --

Staff have the following reply to your emails of October 23, 2013 and February 7, 2013 and letter of November 1, 2013 that is further to our meetings of October 22, 2013 and December 13, 2013.

As a side note to begin, staff are recommending redesignating the property at [REDACTED] Speers Road to Business Commercial from Office Employment. This recommendation comes from the Automobile Related Uses Study, a subset of the inZone project received by the inZone subcommittee on October 22, 2012. The designation permits a broader range of motor vehicle and service commercial uses than the Office Employment designation, which may address a number of comments. Staff also undertook a site visit on October 29, 2013. The proposed redesignation (and rezoning), based on the site visit, should keep all legal existing uses on this property legal in the 2014 Zoning By-law -- note that this can only be confirmed by applying for a zoning certificate of occupancy, offered for free by our Building Services department. The uses observed on site appear to fit into the terms "business office," "contractors establishment," "private school," "retail store," and "taxi establishment" (see final paragraph below). Again, this can only be confirmed by applying for a zoning certificate of occupancy from our Building Services department.

By point and as you will see in the final draft (v3.0):

1.
Dry cleaning/laundry is proposed to be permitted in the Business Commercial E4 Zone.
2.
Place of entertainment is not proposed to be permitted in the Business Employment E2 Zone or Industrial E3 Zone. The use is a service commercial use that is not permitted in either designation in the Livable Oakville Plan.
3.
Through the inZone conformity official plan amendment, staff are proposing adding existing service commercial uses (limited to restaurants, financial institutions, and drive-through facilities) and new service commercial uses (subject that the use be permitted on the same lot as another permitted use in the designation) as permitted uses in the Business Employment designation through the inZone Conformity OPA.

The staff recommendation in the final draft (v3.0) of the 2014 Zoning By-law is to permit new restaurants and financial institutions on a lot in the Business Employment E2 Zone, subject to a maximum net floor area of 20% of the total net floor area on the lot and that prior construction has occurred to provide an equal amount of floor space on the lot for a permitted use on the lot not subject to this limitation (i.e. business office, manufacturing). The 20% maximum is derived from current zoning restrictions relating to discounted minimum parking requirements. This amount of scaling is the maximum staff can support outside of a comprehensive review of the commercial and employment lands policy framework. Legal existing uses in stand-alone buildings shall additionally be permitted with no maximum net floor area.

APPENDIX C

Larger restaurants could potentially be considered through a minor variance or zoning by-law amendment.

4.

New sports facilities are not proposed to be permitted as-of-right in the Industrial E3 Zone. A new use could be considered through a zoning by-law amendment.

5.

It is recommended that the employment lands floor area maximum shown currently applying in the QEW/Burloak area be deleted. The primary issue related to the maximum – traffic flow and access to the QEW – has been resolved with the opening of the second interchange ramp. Detail is provided in our staff report being released on Friday.

6.

Wholesaling is not proposed to be permitted in the 2014 Zoning By-law. The use is not permitted in either the Business Commercial designation of the Livable Oakville Plan (proposed to be applied) or the Office Employment designation of the Livable Oakville Plan (currently applies). A zoning by-law cannot be more permissive than the official plan it implements. The proposed Special Provision 341 adds the additional light industrial use permissions to match the proposal in the parent Office Employment E1 Zone: manufacturing, repair, and warehousing, but only on a lot where the use legally existed on the effective date of Zoning By-law 2014-014.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services
Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca

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-----Original Message-----

From: David Faye [REDACTED]
Sent: Friday, February 07, 2014 9:10 AM
To: Diane Childs; Joe Nethery
Cc: Charlene Lafrance; Davide Baldassarra; Silvio Guglietti; Lesley Gill Woods
Subject: 2014 Zoning By-law

Hi, Diane and Joe,

There are few outstanding questions raised by Melrose at our meeting last December regarding the 2014 zoning by-law:

APPENDIX C

1. Will a Dry Cleaning Establishment be permitted in the E4 zone? We spoke about new technology removing the environmental concerns.
2. Will a Place of Entertainment be permitted in the E2 zone?
3. Will a Restaurant be permitted in the E2 zone to serve E2 uses? Is a restaurant/sandwich shop use permitted in an office use in E2?
4. Will a Sports Facility be permitted in the E3 zone?
5. The RioCan Burloak special provision as carried forward in the new by-law does not address industrial lands on the south side of Wycroft Road which are addressed in the current special provision.
6. Lesley advised yesterday that Wholesaling will not be included in the 1410 Speers Road special exception in the Business Commercial OPA. Is this the final word? I advised that Melrose is willing to accept a square footage limit on wholesaling since this use is important to them for 1410.

Please advise. I am available to meet with you at your convenience.

Regards,
David Faye

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 9:05 PM
To: 'Derek Boyne'
Cc: 'Mark Rogers'; Dana Anderson; Diane Childs; Denis Daoust; Joe Nethery; Lesley Gill Woods
Subject: RE: Town re-zoning meeting Nov 28'13 follow-up

Good evening Mark and Derek –

To confirm our November 28 meeting, Mark's letter of October 7, 2013, and Derek's December 17, 2013 email below, staff can confirm the following recommendation will be made in the final draft (v3.0) of the 2014 Zoning By-law.

- I can confirm there is no maximum height proposed in the Business Employment E2 Zone, unless the lot is adjacent to a residential zone (none of your lands appear to be in that situation, but would be confirmed at the preconsultation meeting).
- The maximum area coverage for outside storage and outside processing in the proposed Business Employment E2 Zone shall be 25%.
 - o A special provision is proposed for the manufacturing uses existing on Superior Court to recognize the large outdoor component of the use.
 - o Parking areas and outside storage are intended to be mutually exclusive.
- A Special Provision permitting day cares and private schools is proposed on the Business Employment-designated land behind the Great Lakes Marketplace itself (so, south of Harvest Bible and west of the woodlot/SMF).
- A Special Provision (ZBL and LOP) is proposed for the motor vehicle rental facility.
- The staff recommendation in the final draft (v3.0) of the 2014 Zoning By-law is to permit new restaurants and financial institutions on a lot in the Business Employment E2 Zone, subject to a maximum net floor area of 20% of the total net floor area on the lot and that prior construction has occurred to provide an equal amount of floor space on the lot for a permitted use on the lot not subject to this limitation (i.e. business office, manufacturing). The 20% maximum is derived from current zoning restrictions relating to discounted minimum parking requirements. This amount of scaling is the maximum staff can support outside of a comprehensive review of the commercial and employment lands policy framework. Legal existing uses in stand-alone buildings shall additionally be permitted with no maximum net floor area.
- The Livable Oakville Plan, in section 14.1.8, considers drive-through facilities to be service commercial uses that, *"may be permitted where service commercial uses are permitted within the Employment designations unless otherwise not permitted by specific policies of this Plan."* New drive-through facilities are permitted in the final draft (v3.0) in the Office Employment E1, Business Employment E2, and Business Commercial E4 Zone. This permission would apply for new restaurants (which are subject to the 20% floor area maximum) or existing stand-alone restaurants (which are subject to a different footnote allowing for a larger floor area). A revision is proposed in the updated final draft (v3.1) applying footnotes 6 and 7 to these uses to make clear the Town's intent.

Staff note that the inZone project's first principle is implementing the goals, vision, and policy of the Town's Official Plan, the Livable Oakville Plan. Policies giving effect for the motor vehicle rental facility and Business Employment E2 Zone use permissions are proposed through the inZone conformity OPA as the Plan currently does not permit any of these uses in the designation applying to the subject lands.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as

APPENDIX C

the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Derek Boyne [REDACTED]
Sent: Tuesday, December 17, 2013 10:13 AM
To: Joe Nethery
Cc: 'Mark Rogers'
Subject: Town re-zoning meeting Nov 28'13 follow-up

Joe, as a follow-up to our meeting of November 28, 2013, I believe you were going to confirm in a letter the issues raised by ourselves and what action the Town would be taking insofar as amending the zoning by-law to address our concerns, namely the following ;

Height Restrictions; Version 3 of the draft will not have any height restrictions.

Outside storage/processing; Version 3 of the draft will include language that will allow outside storage and/or processing. At a minimum, it would be 15% of the entire site and would not include the parking area. Pauls position at the meeting was to have this increased to the current standard of 40%.

Previously permitted uses; The Town will include language that identifies site specific permitted uses within the proposed new E2 zoning definition. The site specific uses would be uses that would have been previously approved under the current definition of E1 & E2. This would include provisions for a financial institution, daycare etc..... With regards to the issue of drive-thru's, Pauls noted the importance of drive-thru's and the need to have them included in the business park, particularly given the fact that they were an approved permitted use 3 years ago when the draft conditions of the plan of sub-division were approved.

Regards,

Derek Boyne
Director Development
Pauls Properties Corporation
[REDACTED]

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 11:17 PM
To: 'Pat Belsito'
Cc: Joe Nethery
Subject: RE: Stonemill sample bungalow plan

Categories: v2.0 Inputs

Good evening Pat –

In the final draft (v3.0) staff are recommending a new “residential floor area ratio” calculation. Detailed comment is contained in the staff report being released Friday, but suffice to say the proposed calculation of “residential floor area” and resultant “residential floor area ratio” is modelled on the approach used in Mississauga, where all floor area within the building is measured without any exclusions. To compensate for the additional areas included in the calculation of residential floor area, the recommend ratio for the new “maximum residential floor area ratio” is adjusted upward from the current “floor area/lot ratio” figures listed in Zoning By-law 1984-63, as amended. Individual tiers are also proposed to be reorganized to fit the current minimum lot area figures, meaning each tier spans 92.9 square metres (1000 square feet). Based on modelling of potential building sizes available under Zoning By-law 1984-63, as amended, the increase in increases range between 10.3% and 16.7% over existing permissions – or, between 3 and 5 percentage points in the final draft (v3.0) By-law – to accommodate previously excluded exterior walls, stairs, and elevators. The two-regulation framework better enables as-of-right design flexibility within the zoning by-law.

In terms of the mechanics of the recommendation, lot coverage for shorter dwellings – now proposed to be set at less than or equal to 7.0 metres, based on further review – is proposed to remain the same as in the second draft (v2.0) and Zoning By-law 1984-63, as amended: 30% in the Residential Low RL1 and RL2 Zones; 35% in the Residential Low RL3-0, RL4-0, RL5-0, and RL10-0 Zones, and not applicable in the Residential Low RL8-0 Zone. For taller buildings – greater than 7.0 metres in height – the recommendation is based on the 85th percentile (with rounding) of all lot coverage estimates existing today in the applicable zones: 25% in the Residential Low RL1 and RL2 Zones; 35% in the Residential Low RL3-0, RL4-0, RL5-0, and RL10-0 Zones, and remaining not applicable in the Residential Low RL8-0 Zone.

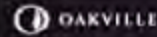
Using the 85th percentile level best recognizes the “existing residential character” across the broad area covered by today’s R0 Zones. The regulation as proposed, and therefore the new infill and replacement dwellings and additions to existing dwellings constructed within this framework, will conform to and implement Section 11.1.9 of the Livable Oakville Plan.

In the updated final draft (v3.1), a new subsection (b) is proposed under lot coverage to clarify and carry forward the current staff interpretation that accessory buildings and structures are included within – not additional to – the lot coverage for the main dwelling. It is a total 25%/35% calculation.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Pat Belsito [REDACTED]
Sent: Friday, November 15, 2013 5:36 PM
To: Joe Nethery
Subject: RE: Stonemill sample bungalow plan

Thanks Joe,

We are happy you are looking at our concerns with regards to the main floor master bedroom and ensuite plans, looking forward to hearing further updates.

Regards

Pat Belsito

[REDACTED]

[REDACTED]

By The Way, I'm Never Too Busy For Your Referrals

From: Joe Nethery [<mailto:JoeNethery@oakville.ca>]
Sent: November-15-13 5:31 PM
To: 'Pat Belsito'
Subject: RE: Stonemill sample bungalow plan

Ouch, looks like I forgot to acknowledge your email in the past two weeks. Thanks for sharing, Pat (another builder has supplied some information as well, and we won't include the plans supplied in any future report).

We're going to do some modelling on our end as well and see what recommendation we come up with.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Pat Belsito [REDACTED]
Sent: Monday, November 04, 2013 4:16 PM
To: Joe Nethery
Subject: Stonemill sample bungalow plan

Hi Joe,

Please find attached one of our bungalow plans, it was built [REDACTED] in Oakville a few years ago.

We are also building one on [REDACTED] which wouldn't meet the new zoning bylaws.

Regards

Pat Belsito

[REDACTED]

[REDACTED]

By The Way, I'm Never Too Busy For Your Referrals

October 29, 2013

Planning Services Department
Town of Oakville
1225 Trafalgar Road
Oakville ON L6H 0H3

Attn: Joe Nethery, Manager, Zoning By-Law Project

Re: Appeal to Draft 2014 Zoning By-law

Dear Mr. Nethery:

It has come to my attention that the Town of Oakville has put forth a new zoning by-law that will impact our property located at [REDACTED] Sheridan Garden Drive. The purpose of this communication is to object to the proposed E1 designation that has been put forth in your Draft 2014 Zoning By-Law. It must be noted that there is a strong likelihood that all business owners on Sheridan Garden Drive will whole heartedly object to the proposed E1 designation for our area.

Our building, as well as all the other buildings on Sheridan Garden Drive were built with the understanding that it was zoned T1-Transition Employment. This means that T-1 allows for a variety of employment and light industrial uses which includes warehousing, bulk storage, distribution, showroom facilities and office space. This is the reason that all property owners on Sheridan Garden Drive located and built in the area as it met our business requirements. Our location provides employment to 130 full time employees and the other properties provide jobs to a similar amount of employees. Therefore, it makes perfect sense that a designation of E2 would be much more accurate in capturing the land use per the by-law description of allowable uses.

Quite frankly, I find it difficult to understand why the proposed land use for our area would be E1. An E1 designation does not properly reflect the true land use of our property that has been in place for the past eleven years. Moreover, it would adversely affect our property value, our investment and our future land use. It is for this reason that we implore the town to re-evaluate the proposed E1 designation for our area and look to make the designation on Sheridan Garden Drive an E2 designation.

I welcome you to call me should you wish to further discuss this issue.

Sincerely,



Jeff Goraieb

President



Joe Nethery

From: Joe Nethery
Sent: Wednesday, December 11, 2013 1:16 PM
To: 'John Vlacich' [REDACTED] 'KimberleyHovesen' [REDACTED]
Cc: Dana Anderson; Diane Childs; Denis Daoust; Joe Nethery
Subject: Updated Office Employment Zoning Recommendation
Categories: v2.0 Inputs

Good afternoon John and Kimberley –

I was just speaking on the phone with John and am writing to confirm our conversation. Staff will be recommending, in the final draft (v3.0) of the 2014 Zoning By-law, permitting industrial uses (proposed to be renamed “manufacturing”) and wholesaling and distribution in the proposed Office Employment E1 Zone, subject to a footnote limiting the permission to only those uses legally existing on the effective date of the 2014 Zoning By-law. If the lot has a manufacturing or wholesaling and distribution use that was legally established on the date Council passes the 2014 Zoning By-law, the use will be permitted on that lot.

Staff will be reviewing use permissions again in a Commercial and Employment Lands Review currently planned for 2014/2015. I have added your name to the inZone project mailing list, which we will be using to begin a mailing list for that study. This should ensure you are contacted once the studies are launched, but do keep monitoring the Town’s website (in particular, <http://www.oakville.ca/business/planning-studies.html>) for more information.


If you have any questions in the interim, please do not hesitate to contact me or Diane Childs (cc’d, ext.3986). I have included your comment below and this reply in the correspondence package forming part of staff’s final report.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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Joe Nethery

From: Joe Nethery
Sent: Thursday, October 31, 2013 1:50 PM
To: 'KimberleyHovesen'
Cc: 'BernieHovesen'; 'ShelleyHovesen'; 'RandyStrachan'; Dana Anderson; Diane Childs
Subject: RE: InZone Project Written Submission for Public meeting November 4th 2013

Categories: v2.0 Inputs

Thank you, Kim. I will add this to the correspondence package for the meeting on the 4th.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: KimberleyHovesen [mailto:khovesen@jffabrics.com]
Sent: Tuesday, October 29, 2013 3:50 PM
To: Joe Nethery
Cc: BernieHovesen; ShelleyHovesen; RandyStrachan
Subject: InZone Project Written Submission for Public meeting November 4th 2013
Importance: High

Joe,

The InZone project has recently come to our attention and in reviewing the proposed Zoning Re-Designation as a business owner I have grave concern about this and whole heartedly object to the proposed E1 designation for 2610 Sheridan Garden Drive.

Let me first explain who we are and what we do and then I will address the reasons for objecting.

We are a family owned and Operated business, since 1977. We were located in Mississauga, since we commenced operations, before purchasing a property in Oakville and began building in 2003. We looked at many properties and determined that 2610 Sheridan Garden Drive best suited our needs. All of my family's hard work building a business from the ground up, over the last 35+ years is invested in this property, the building we designed and built, and the business which we operate from this location. We are a wholesale distributor of interior decor fabrics, drapery hardware, wall coverings and area rugs. We employ approx. 90 people, 50 from the local community, who work in the building on a daily basis. The majority of our building footprint is dedicated to warehousing. We stock millions of dollars' worth of inventory in our facility which we receive, store, cut, process and ship to our customers daily across North America. We have a showroom in our facility which customers in the local region come to visit.

There were a number of reasons that this property suited our needs at the time of its purchase. We were looking to establish a base for our business that would suit not only our current but our future emerging needs. At the time (and

APPENDIX C

still currently) the land on which we built was designated as T1-Transition Employment which I understand allows for a variety of employment and light industrial uses into which our operation fits appropriately. The proposed E1 – Office Employment designation is grossly inaccurate in capturing the current and future use of our property and those of the neighbouring businesses on this street. From our review of the by-law it appears that E1 is strongly geared towards operations where the principal use is for office work. The principal use of our land is most accurately described as Warehousing/Wholesaling with accessory office supporting the principal use. Therefore a designation of E2 would be much more accurate in capturing the land use per the by-law description of allowable uses. It reflects the fact that we are warehousing, bulk storage, processing and accessory showroom and office space. E1 simply doesn't address the true use of the land here.

In addition, an E1 designation will have a big impact on any future expansion or changes we may need to make to our facility - and we fear that in future this may handicap our business operations and impact us financially. We invested in a property that was T1 for the very reason that it gave us flexibility to have the facility grow and change with our evolving business and E1 in our opinion is like having the town act in bad faith after we have put our investment in the Town of Oakville.

Finally, we feel it will impact our property value - if we were to ever re-locate. The scope of business activity that could be conducted here is much narrower under the E1 designation and will severely limit potential buyers because the physical built form which currently exists is geared towards T1/E2 uses. This will impact our family's hard earned and sole investment.

It is with this that we implore the town to re-evaluate the E1 designation and look to make an E2 designation on Sheridan Garden Drive, before the passing of the by-law.

Please confirm receipt of this email and also confirm that it will be included for review by the members of council at the public meeting on November 4th, 2013

Regards,

Kim

Kimberley Hovesen-Krasa

Principal



Joe Nethery

From: Joe Nethery
Sent: Tuesday, January 07, 2014 11:32 AM
To: 'KimberleyHovesen'; 'John Vlacich' [REDACTED]
Cc: Joe Nethery
Subject: RE: Updated Office Employment Zoning Recommendation
Attachments: Pages from current use permissions comparison-updated version for 2nd draft by-law.pdf

Categories: v2.0 Inputs

Good morning Kim –

The Livable Oakville Plan (Official Plan) has changed the use permissions in employment zones. Many service commercial and retail uses currently permitted in employment zones are proposed to no longer be permitted. Some of these uses proposed to be deleted in the 2014 Zoning By-law include limited retail (the 40-60 split would be changed to 20-80), place of entertainment, motor vehicle dealership.

I have attached our comparison table for the proposed Office Employment E1 Zone for review. Note that there are already changes required to this table based on my previous correspondence with you (chiefly, adding a checkmark next to the "Light Industrial Uses" row) and care must be taken to read both By-laws (1984-63 and 2014) in their entirety to determine the use permissions and regulations attached to the property. An updated draft (targeted for Council approval on February 25) will be released no later than the first week of February.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: KimberleyHovesen [REDACTED]
Sent: Tuesday, December 17, 2013 12:41 PM
To: Joe Nethery; 'John Vlacich' [REDACTED]
Cc: Dana Anderson; Diane Childs; Denis Daoust
Subject: RE: Updated Office Employment Zoning Recommendation

Joe,

I do have a question. So I understand that we will be permitted to continue our current activities after the by-law is passed. However, what about in future if the building is sold? So currently we have a wholesaling & Distribution operation of textile goods and related products. What if a company buys this property and wants to do some light manufacturing and distribution? Which would have been allowed under T1. Will all T1 activities be allowed to take place on the property in future or only the specific use at the time of the by-law passing?

Kim

Kimberley Hovesen-Krasa



From: Joe Nethery [REDACTED]
Sent: December-11-13 1:16 PM
To: 'John Vlacich' [REDACTED] KimberleyHovesen
Cc: Dana Anderson; Diane Childs; Denis Daoust; Joe Nethery
Subject: Updated Office Employment Zoning Recommendation

Good afternoon John and Kimberley –

I was just speaking on the phone with John and am writing to confirm our conversation. Staff will be recommending, in the final draft (v3.0) of the 2014 Zoning By-law, permitting industrial uses (proposed to be renamed “manufacturing”) and wholesaling and distribution in the proposed Office Employment E1 Zone, subject to a footnote limiting the permission to only those uses legally existing on the effective date of the 2014 Zoning By-law. If the lot has a manufacturing or wholesaling and distribution use that was legally established on the date Council passes the 2014 Zoning By-law, the use will be permitted on that lot.

Staff will be reviewing use permissions again in a Commercial and Employment Lands Review currently planned for 2014/2015. I have added your name to the inZone project mailing list, which we will be using to begin a mailing list for that study. This should ensure you are contacted once the studies are launched, but do keep monitoring the Town’s website (in particular, <http://www.oakville.ca/business/planning-studies.html>) for more information.

If you have any questions in the interim, please do not hesitate to contact me or Diane Childs (cc’d, ext.3986). I have included your comment below and this reply in the correspondence package forming part of staff’s final report.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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Joe Nethery

From: Hillary McKenzie
Sent: Wednesday, October 30, 2013 8:21 AM
To: Joe Nethery
Subject: FW: proposed zoning by-law 2014-xx

Categories: v2.0 Inputs

Hi Joe Passing along for your information.

Thanks - Hill

Hillary McKenzie

Executive Assistant - Mayor's Office

Office of the Mayor and Council

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From: Dana [REDACTED]
Sent: Sunday, October 27, 2013 6:06 PM
To: Mayor Rob Burton; 'danderson@oakville.ca'; [REDACTED] Cathy Duddeck
Subject: proposed zoning by-law 2014-xx

Dear Mayor Burton, Councillor Duddick, Ms. Anderson,

It has come to my attention that the Town of Oakville is planning the implementation of a zoning amendment which could render our property almost worthless for resale and severely restrict any possible expansion of our existing home.

We currently have a very small house of approx. 1000 square feet, and because we fall within the area that would severely restrict our building potential to a mere 19 %, our resale value would undoubtedly be on the lowest end possible. With bungalows all around our neighbourhood being torn down and new builds of a much larger scale replacing them, we feel the imposed 19% to be unjust and ridiculous! We would agree that a definite curbing of building potential should be implemented, but, not with a reduction of 37%. We feel that a restriction within the 25-30% range would accomplish what the Town of Oakville needs and address the concerns of property values and needs of the property owners.

Oakville has been a wonderful place to live, work, and bring up our family for last twenty five years, and we hope that a more reasonable amendment to the zoning will allow that to continue.

Dana Maurice and Casey Mackereth

Pitman Patterson
[REDACTED]

May Luong
[REDACTED]



File No. 015952/000004

October 31, 2013

Delivered by Email (townclerk@oakville.ca)

Planning and Development Council
Clerk's Department
Corporation of the Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

Attention Cathie Best, Town Clerk

Dear Ms. Best:

**Re: Town of Oakville Draft Official Plan Amendment and Draft 2014 Zoning
By-law, inZone Project
Town Files: 42.24.005 and 42.25
[REDACTED] Third Line, Oakville**

We are land use planning counsel for Arkema Canada Inc. ("Arkema"), the owners of property located at [REDACTED] Third Line, in the southwest quadrant of Third Line and Wyecroft Road ("subject property").

We understand that the statutory public meeting for the matters noted above is scheduled for November 4, 2013 at 7:00pm. Unfortunately, we will not be in attendance, but are submitting this letter on behalf of our client to express their concerns with respect to the draft Official Plan Amendment ("OPA") and draft 2014 Zoning By-law, v. 2 released September 18, 2013 ("new ZBL"). We thank you in advance for considering our client's comments.

We provided initial written comments to the Town on version 1.0 of the new draft Zoning By-law on May 30, 2013 and met with Town staff on August 1, 2013. Staff provided a written response dated October 22, 2013. Copies of those letters are attached for ease of reference. We wish to thank the Town for its constructive response thus far.

Our client's comments and concerns are outlined below:

Draft Oakville OPA, dated October 9, 2013

The draft OPA is an amendment to Livable Oakville, Town of Oakville Official Plan 2009. Various amendments are being proposed by the Town to ensure conformity between the new ZBL and the Livable Oakville Plan.

The subject property is designated Industrial (Employment) in the OPA, which has not changed from its designation found in the Livable Oakville Plan. The OPA adds permission for major offices and office uses in the Industrial designation between Bronte Road and Third Line. Our client supports that modification, but believes additional ancillary uses should be added.

Livable Oakville recognizes the Bronte GO station as a higher order transit station and the surrounding area (including the subject property) as a major transit station area to which employment intensification, including major office and appropriate major institutional uses, is to be directed. Major transit station areas are generally defined as areas within an approximate 500 metre radius of transit stations. Because the subject property falls within a major transit station area, the inclusion of major office and office uses as permitted uses on the subject property is desirable and appropriate. However, the OPA in respect of this particular designation does not also permit a range of uses that would be commonly found in office buildings as ancillary uses. There are typical ground floor uses in office buildings that contribute to the synergy and public activity/interaction of these buildings and provide convenience for the workers in these buildings, such as convenience retail, service commercial, financial institutions, medical offices and restaurant uses. These uses are generally permitted in other Employment designations (such as Office Employment, Business Employment and Business Commercial).

It is good land use planning to permit uses that support and are compatible with the prime economic function in an Employment area. This would include the ancillary uses suggested above, particular to the sub-area within which office uses would be permitted (Bronte to Third Line). These uses would conform with the Livable Oakville Plan as there is a policy directive that Employment land use designations are to provide for compatible uses in appropriate locations with a variety of form, scale and intensity of development.

Furthermore, both the Growth Plan for the Greater Golden Horseshoe, 2006 ("Growth Plan") and the Provincial Policy Statement 2005 ("PPS") promote the inclusion of ancillary/associated uses in Employment Areas.

The definitions of *Employment Area* found in the Growth Plan, PPS and Livable Oakville Plan are the same:

"means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities." (emphasis added)

In addition, section 2.2.6 (2) of the Growth Plan and section 1.3.1 of the PPS state that planning authorities shall promote economic development and competitiveness in Employment Areas by:

1. Providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
2. Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses. (emphasis added).

In light of the above, we respectfully request that the Town include ancillary and other uses in the OPA, as proposed for Bronte Road to Third Line including the subject property, so as to permit, and avoid conformity issues with, the uses we request be included in the new ZBL (see below).

Town of Oakville Draft Zoning By-law v2.0, September 18, 2013

The new ZBL, version 2.0, zones the subject property E3 Special Provision 4 – Employment Zone (Map 19(5)). Although the range of proposed permitted uses has improved since the previous version of the new ZBL, we believe the range of uses still unduly limits what is permitted on the subject property, particularly compared to the current in-force zoning permissions.

Special Provision 4 (SP4) permits Business Office with no conditions. Business Office is also permitted in the parent Employment E3 zone with the following conditions: only in conjunction with another permitted use, and shall not exceed 25% of the floor area on the lot. Since SP4 is a special provision for the subject property, we believe SP4 prevails, meaning a stand-alone business office use is permitted on the subject property without the two noted conditions applying. This assessment has been confirmed in staff's letter of October 22, 2013.

Our client agrees that Business Office should be a permitted use on the subject property with no conditions, however, as stated in our comments on the draft OPA above, there are numerous associated uses that are appropriate and found in many office buildings which have not been included in the permitted use list for the E3 zone. Such uses not permitted in the E3 zone, even as ancillary to major office and office uses, include: medical office; retail store; financial institution; restaurant; and service commercial establishment. Sports facilities and commercial self-storage uses, although not accessory to an office use, would also be appropriate uses for this location.

We respectfully request that the Town include medical office; retail store; financial institution; restaurant; service commercial establishment; sports facility; and commercial self-storage uses as permitted uses in the E3 zone for lands subject to SP4 permitting offices uses. We request that the corresponding uses be added to the OPA so that no conflicts or conformity issues arise between the two documents.

Please continue to notify us of any further Council or committee meetings regarding the OPA and the new ZBL, and of any enactment of the proposed new ZBL and adoption of the Official Plan Amendment.

Should you have any questions regarding this correspondence, do not hesitate to contact the undersigned or May Luong, land use planner. We would be pleased to discuss the foregoing with Town staff.

Yours very truly,
Borden Ladner Gervais, LLP



Pitman Patterson
JPP:ml

cc (via email): Joe Nethery, Manager, Zoning By-law Project, Town of Oakville
Robert Roth, Technical/Regulatory Affairs Manager, Arkema Canada Inc.

TOR01: 5371502: v1

Joe Nethery

From: Joe Nethery
Sent: Monday, February 10, 2014 9:32 PM
To: 'Andrews, Stacie'; 'robert.roth [REDACTED]'; 'Patterson, J. Pitman'; 'Luong, May'
Cc: Dana Anderson; Diane Childs; Denis Daoust; Joanna Wice; Joe Nethery
Subject: RE: Town Files: 42.24.005 and 42.25

Good evening Pitman, Robert, and all –

Per our conference call of January 21, 2014, I committed to replying summarizing the recommendation for the Arkema lands in the final draft (v3.0). The site remains proposed to be zoned Industrial E3 SP 4.

Of particular interest, commercial self-storage facilities are proposed to be added as a permitted use in the parent zone, maintaining the current Zoning By-law 1984-63 permission as a type of warehousing use.

Service commercial uses remain proposed to not be permitted on the site. Staff do not recommend permitting the service commercial uses in the Industrial designation of the Livable Oakville Plan, and the implementing zoning cannot be more permissive than the official plan.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. Please do not hesitate to contact Dana, Diane, or me if you have any further questions.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Andrews, Stacie [REDACTED]
Sent: Thursday, October 31, 2013 9:33 AM
To: TownClerk
Cc: Joe Nethery; [REDACTED]; Patterson, J. Pitman; Luong, May
Subject: Town Files: 42.24.005 and 42.25

Good morning Ms. Best,

Please find attached a letter from Mr. Patterson's office.

Kind regards,

Stacie



Stacie Andrews

Legal Assistant to Pitman Patterson



Borden Ladner Gervais LLP | It begins with service
Calgary | Montréal | Ottawa | Toronto | Vancouver | Waterloo Region
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RUSSELL D. CHEESEMAN B.A., L.L.B., M.E.S.
BARRISTER AND SOLICITOR

October 30, 2013

BY COURIER AND E-MAIL

Mayor and Members of Oakville Town Council
Corporation of the Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Mayor and Members of Council:

**Re: Town of Oakville Proposed Comprehensive Zoning By-law 2014
(inZone) – Concerns with proposed Zoning for [REDACTED] Speers Road**

We are solicitors for LBS Oakville (1998) Ltd., the owners of the above referenced property in the Town of Oakville.

We have had the opportunity to review the Second Draft (v2.0) of the proposed 2014 Zoning By-law, and can advise that we have concerns with respect to the way the Special Provisions 105 in Part 15 of the proposed by-law purports to zone the lands located at 399 Speers Road.

Our client was an appellant in the Livable Oakville Official Plan Ontario Municipal Board Hearing that ended with a Decision of the OMB dated November 21, 2012 that modified Livable Oakville as it applied to the lands at [REDACTED] Speers Road. Policy 27.1.8 of Livable Oakville was modified by the Board to read as follows:

“On the lands designated Business Employment known as 399 Speers Road, notwithstanding Section 14.1.6, a retail warehouse may be permitted. Additional retail and service commercial uses may also be permitted up to a maximum of 2,500 square metres on the site”

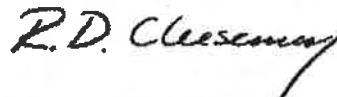
Special Provision 105 does not provide for the uses and square footage that is contemplated by Policy 27.1.8 of Livable Oakville. We would request that the proposed 2014 Zoning by-law be revised to reflect the range of permitted uses and square footage that was provided for in the Livable Oakville Official Plan. Our client does not want to have to go through a re-zoning process at a later date to allow for the type of development that is contemplated by Livable Oakville.

APPENDIX C

We would ask that Council direct its staff to re-draft the Special Provision to allow for the type of development contemplated by Livable Oakville, prior to the final version of the by-law being brought forward to Council for adoption in the early part of 2014.

Thank you very much for your consideration of our request.

Yours very truly,

A handwritten signature in black ink, appearing to read "R.D. Cheeseman". The signature is written in a cursive style with a long, sweeping underline.

Russell D. Cheeseman

cc. Mr. J. Maxwell (via e-mail only)
Mr. P. Lowes (via e-mail only)



November 1, 2013

Mayor and Members of Council
c/o Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville ON
L6H 0H3

RECEIVED

NOV -1 2013

PLANNING SERVICES DEPT.

Dear Mayor and Members of Council:

**Re: Public Consultation on Second Draft of Zoning By-law and
Official Plan Amendment File: 42.24.005**

[REDACTED] Wyecroft Road

A handwritten signature in blue ink, appearing to be "D", is written over the "Re:" line and the subject line.

Thank you for the opportunity to review the second draft of the Town of Oakville Zoning By-law and the accompanying Official Plan Amendment. We have reviewed this on behalf of our client, Ganwood Inc., the owner of the above-noted properties and offer the following comments.

The proposed Official Plan Amendment under file number 42.24.005 provides for additional uses including hotels, public halls, restaurants and financial institutions on lands designated Business Employment on Schedule G, Southeast Land Use. These additional uses were not included within the E2 zone permitted uses for these lands. It is not clear why these were excluded from this version of the Zoning By-law. This is a concern for our client.

As set out within the public notice for the Official Plan Amendment, the primary purpose of the proposed Official Plan Amendment is to incorporate into the Livable Oakville Plan, modifications to support the approval of the Zoning By-law with the effect of recognizing several legally existing uses of land through new use permissions as well as other matters.

Units 21-22 of this parcel are occupied by a Place of Entertainment, which offers a play space for children. This use is not listed as a permitted use within the Business Employment designation or within the proposed E2-3 zone. It is our client's request that all existing legal uses, specifically a place of Entertainment, be permitted uses on this site.

We are available to meet with staff to discuss and resolve these concerns.

Yours truly,

A handwritten signature in black ink, appearing to be "Ruth Victor", is written over the "Yours truly," line.

Ruth Victor MCIP, RPP

Copy: Joe Nethery,
Manager Zoning By-law Project



November 1, 2013

Mayor and Members of Council
c/o Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville ON
L6H 0H3

Dear Mayor and Members of Council:

**Re: Public Consultation on Second Draft of Zoning By-law
Appleby College 540 Lakeshore Road West**

Thank you for the opportunity to review the second draft of the Town of Oakville Zoning By-law. We have reviewed this on behalf of our client, Appleby College, and offer the following comments.

We appreciate staff's efforts to address the issues identified by Appleby College. There are however still concerns regarding the proposed parking standards for secondary school uses and the proposed cumulative parking requirements.

The proposed standard based on number of classrooms within a school at the rate of 4 spaces per secondary school classroom is not appropriate for a private school with smaller class and classroom sizes. The typical public school classroom contains 25-30 students. Within this school, the average classroom is sized to hold 12 to 18 students. As such classrooms are proportionately smaller (averaging 400 sq ft.) while the number of classrooms is significantly higher. Few students, if any, drive to school thereby not requiring additional parking spaces. There is no demand for parking spaces for 40% of the student base who reside within College dormitories. Another 25% of the student base utilizes Appleby's busing transportation.

It is our client's position that due to the reduced number of students within a private secondary school classroom as well as the other factors noted above, the application of the same standard of parking spaces per classroom for public and private secondary schools is not appropriate. It is not clear why this type of standard was selected for the second draft of the zoning by-law when the proposed standard within the first draft of the zoning by-law was based on floor area and the current standard is based on occupancy of the place of assembly.

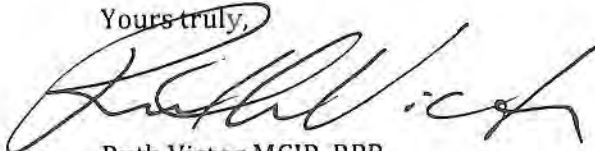
Our client is also concerned regarding the requirement to calculate parking based on the two highest parking generating uses on the property. The facilities for Appleby College are primarily for the use of students. For example, the on-site Chapel is used primarily as a student gathering space and when used, students are not in classrooms. Similarly the arena, dining hall, performance theatre and many other facilities that might be considered "public hall spaces" are generally used when students are not in class. As noted in our previous submission of August 26, 2013, one approach to address this concern would be a similar standard to that found within the City of Mississauga Zoning By-law (3.1.1.11.2) which states that where there are multiple uses on a site for a private school, the parking

regulation is not cumulative but the activity that triggers the highest parking requirement applies to the site as a whole.

We appreciate that staff have proposed a site-specific definition of lot in response to the comments submitted; however, the proposed language does not fully address the concern as Appleby College functions as one parcel but is comprised of multiple parcels of land. As requested previously, the current definition of lot should be carried forward in its entirety into the special provision.

We have offered to meet with staff to further discuss and resolve these concerns and anticipate that they can be resolved with appropriate revisions to the wording of the special provision and parking requirements.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ruth Victor', written over a horizontal line.

Ruth Victor MCIP, RPP

cc. Mr. Joe Nethery
Manager, Zoning By-law Project

Joe Nethery

From: Joe Nethery
Sent: Monday, February 10, 2014 9:44 PM
To: 'Ruth Victor'
Cc: 'John Gittings'; 'Jewell Kennedy'; Lin Rogers; Peter Kozelj; Dana Anderson; Diane Childs; Scott Hannah; Denis Daoust; Joe Nethery
Subject: RE: IN zone
Categories: v2.0 Inputs

Good evening Ruth –

To follow up on our January 21, 2014 meeting, staff have included a new Section 15.162.3(a) in the proposed Special Provision 162 clarifying that the private school minimum number of parking spaces rate shall be applied for all uses on the lot. Should, at the Site Plan stage, the use be identified as likely to generate a higher volume of traffic, staff will recommend that more than the minimum be provided in order to accommodate the use. The Town's normal preconsultation process should identify whether or not this concern exists in the future development.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



[Complete our Community Development customer service survey.](#)

 Please consider the environment before printing this email.

http://www.oakville.ca/privacy_statement.htm

From: Ruth Victor [REDACTED]
Sent: Thursday, January 09, 2014 3:27 PM
To: Joe Nethery
Cc: John Gittings; Jewell Kennedy
Subject: IN zone

Mr Nethery,

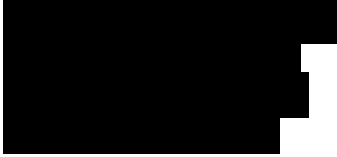
We are requesting a meeting with you regarding Appleby College's last submission on the draft zoning by-law. Of specific concern is the proposed parking standard and the methodology for calculating parking. When you and I last discussed this matter, you had advised that you would be consulting the Town's traffic consultants to get some additional information and direction on this matter .

Appleby College is quite concerned with the regulations on this matter as set out within last draft of the zoning by-law. It is hoped that by meeting to discuss this further, we can resolve their concerns in the final version proceeding to adoption.

Please let me know when you are available to meet.

Thank you.

Ruth Victor MCIP
Ruth Victor and Associates





November 1, 2013

Mayor and Members of Council
c/o Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville ON
L6H 0H3

Dear Mayor and Members of Council:

**Re: Public Consultation on Second Draft of Zoning By-law
2167200 Ontario Limited (Elio Arditi), [REDACTED] Third line**

Thank you for the opportunity to review the second draft of the Town of Oakville Zoning By-law. We have reviewed this document and the planning staff response letter dated October 22, 2013 on behalf of our client, 2167200 Ontario Limited, and offer the following comments.

We appreciate the revisions to Part 5, Section 5.1 that addresses our client's concerns with respect to existing parking. The only regulation left without recognition in the second draft (v2.0) of the Zoning By-law is the reduced width of the existing aisle. We recognize that any new aisle would need to comply with the regulations in By-law 1984-63 however any new regulations pertaining to aisle width found in the draft by-law would supersede the earlier version. Development of the property is currently maximized and the only potential for additional floor area on this site rests with total redevelopment, which is not likely to occur in the short-term. To protect our client's minor variance on the aisle width we recommend that the wording of Section 5.1.1a) be revised as follows:

- a) The parking space, barrier-free parking space, bicycle parking space, stacking space, loading space, driveway and aisle requirements of this Part of this By-law shall not apply to any legal or legal non-conforming use existing on the effective date of this by-law so long as the floor area of the building occupied, as it existed, is not increased.

We are available to meet with staff to discuss and resolve this concern.

Yours truly,

A handwritten signature in black ink, appearing to read "Ruth Victor", is written over a horizontal line.

Ruth Victor MCIP, RPP

cc. Mr. Joe Nethery
Manager, Zoning By-law Project



November 1, 2013

Mayor and Members of Council
c/o Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville ON
L6H 0H3

Dear Mayor and Members of Council

Re: Public Consultation on Second Draft of Zoning By-law
[REDACTED] Iroquois Shore Road, SPD Properties Inc.

Thank you for the opportunity to review the second draft of the Town of Oakville Zoning By-law and the accompanying Official Plan Amendment. We have reviewed this on behalf of our client, SPD Properties Inc, the owner of the above-noted property, and offer the following comments.

The E1 Zone proposes two new provisions that would constrain the expansion of the existing financial institution. Section 10.3 (2), would require any new construction to occur within the existing landscaped front yard. Due to the existing building configuration on this site, the most probable and appropriate expansion of the building would be to the rear of the existing structure. In addition, the existing building is less than the minimum building height as set out within this provision.

Our client has requested that a Special Provision be included in the draft Zoning By-law to recognize the existing building and provide an exemption from Section 10.3 (2).

We are available to meet with staff to discuss and resolve these concerns and anticipate that they can be rectified through the incorporation of a Special Provision in the final version of the Zoning By-law.

Yours truly,

A handwritten signature in black ink, appearing to read "Ruth Victor", is written over the "Yours truly," text.

Ruth Victor MCIP, RPP

Copy: Joe Nethery,
Manager, Zoning By-law Project

A large black rectangular redaction box covers the bottom portion of the page, below the distribution list.



November 1, 2013

Mayor and Members of Council
c/o Town Clerk
1225 Trafalgar Road
Oakville ON
L6H 0H3

Dear Mayor and Members of Council:

Re: Public Consultation on Second Draft of Zoning By-law
[REDACTED] Maurice Drive – Windermere Towns

We have reviewed the second draft of the Town of Oakville Zoning By-law and have a concern with the proposed Section 4.21, *Rooftop Terraces*. Our client has submitted a Zoning By-law Amendment for redevelopment of the subject lands which includes a rooftop terrace, which meets the definition proposed in the draft by-law:

Rooftop terrace means an outdoor amenity area located on the roof of a building or structure, surrounded by a balustrade or railing where required, and which may be directly accessible from surrounding grade.

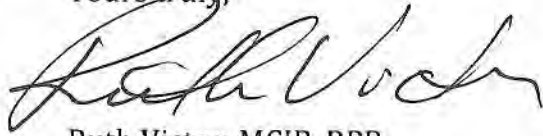
The regulations proposed under Section 4.21 are problematic in that they would not permit the construction of the proposal as submitted. Subsection c) specifies that rooftop terraces shall have a maximum floor level height of 3.0 metres on any lot in or abutting a Residential Zone measured from surrounding grade. The term *surrounding grade* is undefined and interpretation of the terminology is that a rooftop terrace could only be built on top of a single storey garage. The regulation should be revised to permit a rooftop terrace on a flat roof meeting the height requirements of the proposed zone.

Subsection d) specifies that rooftop terraces shall be considered as *floor area* when calculating *floor area* for the use it serves. This is contrary to the definition of rooftop terrace provided above which states that a rooftop terrace is an outdoor amenity area. It is our position that the outdoor amenity area should not be included in any floor area calculations as this would be inconsistent with the current approach to calculating floor areas.

We are concerned regarding the transition provisions. A Zoning By-law Amendment has recently been submitted for the development on these lands. It is not clear how zoning applications in process and recently approved by Council will be addressed in the transition provisions and how subsequent required approvals will be handled.

We are available to meet with staff to discuss and resolve these concerns.

Yours truly,

A handwritten signature in black ink, appearing to read "Ruth Victor". The signature is fluid and cursive, with the first name "Ruth" and last name "Victor" clearly distinguishable.

Ruth Victor, MCIP, RPP

cc: Joe Nethery,
Manager, Zoning By-law Project



November 1, 2013

Mayor and Members of Council
c/o Town Clerk
1225 Trafalgar Road
Oakville ON
L6H 0H3

Dear Mayor and Members of Council:

Re: Public Consultation on Second Draft of Zoning By-law
[REDACTED] Garden Drive – Garden Drive Townes Inc.

We have reviewed the second draft of the Town of Oakville Zoning By-law and have a concern with the proposed Section 4.21, *Rooftop Terraces*. Our client has submitted a Zoning By-law Amendment for redevelopment of the subject lands which includes a rooftop terrace, which meets the definition proposed in the draft By-law:

Rooftop terrace means an outdoor amenity area located on the roof of a building or structure, surrounded by a balustrade or railing where required, and which may be directly accessible from surrounding grade.

The regulations proposed under Section 4.21 are problematic in that they would not permit the construction of the proposal as submitted. Subsection c) specifies that rooftop terraces shall have a maximum floor level height of 3.0 metres on any lot in or abutting a Residential Zone measured from surrounding grade. The term *surrounding grade* is undefined and interpretation of the terminology is that a rooftop terrace could only be built on top of a single storey garage. The regulation should be revised to permit a rooftop terrace on a flat roof meeting the height requirements of the proposed zone.

Subsection d) specifies that rooftop terraces shall be considered as *floor area* when calculating *floor area* for the use it serves. This is contrary to the definition of rooftop terrace provided above which states that a rooftop terrace is an outdoor amenity area. It is our position that the outdoor amenity area should not be included in any floor area calculations as this would be inconsistent with the current approach to calculating floor areas.

We are concerned regarding the transition provisions. The Zoning By-law application was submitted in April 2013 and the public information meeting was held on August 14, 2013. At this time, we still do not have a date for when this matter is to be considered by Council. There is no expectation that we will be able to obtain site plan approval prior to the adoption of the new Zoning By-law due to processing timelines. After undertaking considerable efforts to obtain zoning

approval for this development, it is not clear how those new provisions will be incorporated or transitioned into the new zoning framework and how subsequent required approvals will be addressed.

We are available to meet with staff to discuss and resolve these concerns.

Yours truly,

A handwritten signature in black ink, appearing to read "Ruth Victor". The signature is fluid and cursive, with the first name "Ruth" and last name "Victor" clearly distinguishable.

Ruth Victor, MCIP, RPP

cc: Joe Nethery,
Manager, Zoning By-law Project



November 1, 2013

Mayor and Members of Council
c/o Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville ON
L6H 0H3

Dear Mayor and Members of Council:

**Re: Public Consultation on Second Draft of Zoning By-law
Muslim Association of Milton, [REDACTED] Regional Road 25**

Thank you for the opportunity to review the second draft of the Town of Oakville Zoning By-law. We have reviewed this document and your response letter dated October 22, 2013 on behalf of our client, the Muslim Association of Milton, and offer the following comments.

In our previous comments dated September 4, 2013, we requested a specific provision be added to the Draft Zoning By-law to reflect Ontario Regulation 241/13 that was recently approved by the Province on August 26, 2013.

It is a high priority for our clients that the permission for a place of worship as recently obtained from the Province be incorporated into the new Zoning By-law. The Town of Oakville supported the amendment to the Ontario Regulation to permit this use on this site.

It is also requested that the special provision for these lands incorporate the regulatory setbacks and other requirements as set out with this provincial approval and the subsequent minor variance recently granted by the Town of Oakville. These regulatory provisions were the result of detailed studies and reflect the requirements of Conservation Halton, the Town of Oakville and the Region of Halton as well as the Ministry of Municipal Affairs and Housing.

We appreciate the Town of Oakville response letter of October 22, 2013; however, it does not address the issues or concerns of our client as set out within our original submission letter. We look forward to discussing this matter further with planning staff.


Yours truly

A handwritten signature in black ink, appearing to read "Ruth Victor", is written over the "Yours truly" text.

Ruth Victor MCIP, RPP

cc. Mr. Joe Nethery
Manager, Zoning By-law Project

STIKEMAN ELLIOTT

Calvin Lantz


BY E-MAIL

November 1, 2013

Mayor and Members of the Planning and Development Council
 Town of Oakville
 1225 Trafalgar Road
 Oakville ON
 L6H 0H3

Attention: Your Worship and Members of Council

Dear Sirs/Mesdames:

Re: Proposed Town of Oakville Zoning By-law, 2014-xxx
Client: Prince Bay Luxury Homes
Property: 74 Trafalgar Road, Oakville
Matter: November 4, 2013 Statutory Public Meeting at Planning and Development Council

We are solicitors for Prince Bay Luxury Homes ("Prince Bay"), owner of the property located at 74 Trafalgar Road, Town of Oakville ("Subject Property").

We have reviewed the "*Town of Oakville Zoning By-law, 2014-xxx, Second Draft (v2.0), Statutory Public Consultation*", dated September 18, 2013 (the "Draft By-law") and have concerns with the Draft By-law as it may apply to the Subject Property. A few of these concerns are articulated below.

Rooftop Terraces

With respect to proposed Section 4.21, *Rooftop Terraces*, in the Draft By-law, subsection (c) states:

- c) *Rooftop terraces* shall have a maximum floor level height of 3.0 metres on any lot in or abutting a Residential Zone, measured from *surrounding grade*.

The Subject Property is currently zoned R8, according to By-law 1984-63, and the proposed zoning of the Subject Property under the Draft By-law is RM1-50. For the Subject Property, the effect of Section 4.21(c) of the Draft By-law would be to

TORONTO

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SYDNEY

prohibit rooftop terraces except where such amenity space can be provided on top of a single storey portion of a townhouse or structure accessory thereto.

Presumably the intent of Section 4.21(c) was to prevent rooftop amenity space on detached and semi-detached dwellings from being provided at heights that may promote overlook or become a potential source of nuisance for dwellings nearby. Since this is not the only amenity space that a detached or semi-detached dwelling is likely to have, the height restriction for rooftop amenity space in Section 4.21(c), as it is applied to detached and semi-detached dwellings, is not likely to be critical.

The rooftop terrace height restriction in section 4.21(c) is too restrictive for townhouse and apartment dwellings. It is desirable and appropriate for rooftop amenity space to be on the top of: building podiums; tiered building facades; and the ultimate rooftops of medium and high density residential dwellings. Providing more opportunity for amenity space in higher density housing forms should be promoted in the Draft By-law.

Section 4.21(c) should be amended to either apply to detached and semi-detached dwellings only and/or the regulation should be revised to permit rooftop terraces on rooftops that comply with the height requirements of the residential zones where medium and high density residential uses are permitted.

With respect to proposed Section 4.21, *Rooftop Terraces*, in the Draft By-law, subsection (d) states:

- d) *Rooftop terraces shall be considered as floor area when calculating floor area for the use it serves.*

The definition of “rooftop terrace” in the Draft By-law states that a rooftop terrace is an outdoor amenity area. It is our position that outdoor amenity areas should not be included in any floor area calculations consistent with the current approach to calculating floor area. Also, rooftop terraces do not increase the intensity of a use of a property so it is not appropriate that such areas be included in floor area calculations that incur other density related development standards, such as parking and loading space requirements. Section 4.21(d) of the Draft By-law should be deleted.

Transition Provisions

We are concerned with the Section 1.9, *Transition Matters*, provisions of the Draft By-law because they do not appear to be extensive enough. At the application pre-consultation meeting with Town staff about the Subject Property, Town staff advised Prince Bay to file a site plan approval application for the Subject Property well in advance of submitting any minor variance application that may be required to implement the site plan. The principle behind this thinking was that as a result of circulation comments on the site plan application, the site plan could change and therefore any required variances might also change.

Prince Bay heeded Town staff's recommendations and submitted a complete application for site plan approval to the Town for the Subject Property, which continues to be processed by Town staff.

Prince Bay put significant resources into preparing the Site Plan Approval application and Town staff work at reviewing it. According to Section 1.9.2(b) of the Draft By-law, however, all of this effort will have been for naught unless Site Plan Approval is granted on or before the effective date of the Draft By-law. Without such Approval, after the effective date of the Draft By-law a new Site Plan Approval application for the Subject Property will have to be prepared that follows whichever regulation or development standard is the more restrictive as between By-law 1984-63 and the Draft By-law as enacted by Council. The Site Plan Approval application process would start all over again for the Subject Property.

If Site Plan Approval is granted for the Subject Property and no building permit has been issued for the project on or before the effective date of the Draft By-law, the requirements of the Draft By-law do not apply to the lot according to Section 1.9.2(b) of the Draft By-law. Unfortunately there is no definition of what constitutes "Site Plan Approval" in the Draft By-law so that we understand when this transitional regulation is triggered.

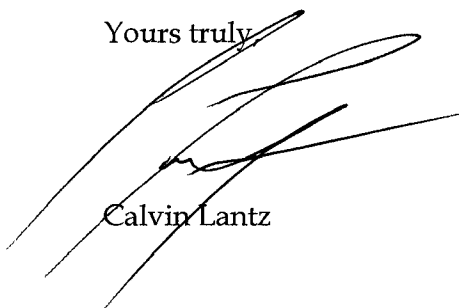
Also, Sections 1.9.2(c) and (e) of the Draft By-law state that the provisions of the former By-law will cease to be in effect once the permit, agreement or approval upon which the exception is founded is issued. With respect to Section 1.9.2(b) of the Draft By-law, it is unclear what permit, agreement or approval the exception in Section 1.9.2(b) is founded upon.

If the transition provisions of the Draft By-law allow a Site Plan Approval to be processed under By-law 1984-63, but require all subsequent minor variance application(s) and building permit(s) to implement the Site Plan Approval, to be evaluated under the Draft By-law, that is an impracticable and unviable proposition. Additional clarity is required with respect to the transition provisions of the Draft By-law. The transition provisions must articulate that if an approval was obtained prior to the effective date of the Draft By-law, that all planning permissions and approvals, including building permit, that may flow from such approval will be processed and approved in accordance with the provisions of the former By-law.

This letter raises some of Prince Bay's concerns with the Draft By-law and hopefully stimulates some discussion on how to resolve such concerns. However, Prince Bay's concerns with the Draft By-law are not necessarily limited to the concerns outlined in this letter and further concerns with the Draft By-law may be introduced at a later date.

Please provide us with notice of Council's decision on the Draft By-law.
Thank you for your attention to this matter.

Yours truly,



Calvin Lantz

CWL/nla

cc: Cathie Best, Town Clerk
Mehran Moeinifar, Prince Bay Luxury Homes
Ruth Victor, Ruth Victor Associates



November 1, 2013

Mayor and Members of Council
c/o Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville ON
L6H 0H3

Dear Mayor and Members of Council:

**Re: Public Consultation on Second Draft of Zoning By-law
Cooper Construction, Winston Churchill and Plymouth Drive**

Thank you for the opportunity to review the second draft of the Town of Oakville Zoning By-law. We have reviewed this document and your response letter dated October 22, 2013 on behalf of our client, Cooper Construction, and offer the following comments.

We appreciate the revision to the definition of "lot" and that concern has been addressed.

In our previous comments of July 30, 2013, we identified a concern regarding the conflict in the provisions for the Employment Zones as set out within Section 10.3 and special provision 43. That concern, while addressed in part, remains outstanding. Although this matter would be best addressed in a detailed discussion with staff, a brief explanation is set out below. Special provision 43, which applies to this site, requires that Winston Churchill Boulevard be deemed the rear yard and requires a setback and landscaping strip of 15 m along this lot line. This property is a corner lot of a major arterial road and therefore under 10.3 (2) and Section 10.5, the buildings would be required to locate proximate to the intersection of the front yard and the flankage roads, thereby placing the development next to Bristol Circle with a parking lot adjacent to Winston Churchill Boulevard. In addition, the proposed maximum front yard and flankage yard do not work in the context of this site and special provision 43. These provisions do not support the urban design objectives of the Official Plan as they relate to this site. It is our opinion that these concerns can be resolved through further discussions with staff and possible further additional provisions to address the specific characteristics of this site.

For Section 4.6.2 regarding rooftop mechanical equipment, it is requested that the wording for subsection a) be revised to provide that not only rooftop mechanical equipment, but also the structure enclosing the equipment, elevator penthouses and stair towers be measured exclusive of the minimum and maximum height requirements of any zone. We have no concerns regarding the additional provisions in the subsequent subsections regarding the restrictions on heights for these elements and roof location placement requirements.

We note that, in the response letter from the Town of Oakville, staff is considering bringing forward regulations regarding surface parking coverage maximums and surface parking areas at a future date. There are significant concerns regarding what those potential regulations may include and the impact on the development potential of employment lands

within Oakville. Cooper Construction would appreciate being engaged in any discussions on these provisions and request that they be notified if and when they are brought forward.

Yours truly,

A handwritten signature in black ink, appearing to read "Ruth Victor".

Ruth Victor MCIP, RPP

cc. Mr. Joe Nethery
Manager, Zoning By-law Project

Joe Nethery

From: Joe Nethery
Sent: Thursday, December 05, 2013 12:16 PM
To: 'Ruth Victor' [REDACTED]
Cc: Dana Anderson; Diane Childs; Lesley Gill Woods; Joe Nethery
Subject: Cooper Construction Meeting Follow-up

Categories: v2.0 Inputs

Good afternoon Ruth –

Further to our meeting of November 25, 2013, I promised to advise re: staff's discussions about zone standards in the proposed Employment Zones.

Staff will be recommending, in the final draft (v3.0), an additional clause in Special Provision 43 exempting lands subject to that Special Provision (generally speaking, the Winston Park Employment Area) from any maximum yard standards in the 2014 Zoning By-law.

Staff will be recommending combining subsections a) and b) of the proposed Section 4.6.2 of the By-law to clarify that each of those building components is exempt from the maximum height requirements.

Staff will be recommending a minimum width of landscaping requirement along all roads on lots in an Employment Zone, but will look at incorporating language into the proposed Section 4.12.4 to clarify interpretation should a road widening be taken by any public authority (i.e. MTO, Halton Region, or the Town).

Thanks for your continued contributions to the inZone project –

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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APPENDIX C

**O'CONNOR
MACLEOD
HANNA LLP**

Ruhia Jokhio
905-842-8030 X3345
jokhio@omh.ca

Barristers & Solicitors

Brian J. Hanna	Larry S. Gangbar
Kenneth W. Watts	Jarvis G. Sheridan
Robert A. Watson	* Tanya A. Leedale
Harold R. Watson	Robert Krizman
Gayle Wadden	† James McAskill
Marian G. Gage	Chantel Goldsmith
Danny Chou	Ruhia Jokhio
Owen J. Duguid	Carolyn M. McCarney
Alexandra Manthorpe	Counsel: Paul D. Stunt

* Certified Specialist (Corporate and Commercial Law)
† Certified Specialist (Real Estate Law)

October 28, 2013

Email and Regular Mail

Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Ms. Best:

**Re: Public Consultation on Second Draft of Zoning By-law– Paul Gardiner, 2134
Lakeshore Road East
Our File No. 96055**

I act on behalf of Paul Gardiner, owner of [REDACTED] Lakeshore Road East. Thank-you for the opportunity to review the second draft of the Town of Oakville Zoning By-law, as well Joe Nethery's letter of October 22, 2013.

My client's lands are approximately 4 Hectares in area with a frontage of 258 meters along Lakeshore Road. The property extends from Lakeshore Road to Lake Ontario. Currently the only structures on the site are accessory buildings as the main structure has been demolished. This is one of the last remaining parcels of residential land left for development south of lakeshore. It is anticipated that the lands will be developed through a plan of subdivision for additional single detached dwelling units.

It continues to be our position that the proposed regulations do not appropriately implement the Livable Oakville Plan policies. We believe that the policies in Livable Oakville do not



APPENDIX C

necessitate a reduction in coverage. The reduction in permitted coverage for a two-storey home on my client's property continues to be a drastic reduction in the currently existing coverage requirements. This proposed coverage restriction would result in a house of a different character, scale and massing and design than the surrounding neighborhood.

It is our position that the current regulations on the scale and massing be maintained.

We would like to request a time to meet with staff to discuss the above issues.

Yours very truly,

O'CONNOR MACLEOD HANNA LLP

A handwritten signature in black ink, appearing to be 'Ruhia Jokhio', written over a horizontal line.

Ruhia Jokhio

RJ:lw

CC: Mr. Joe Nethery, Manager Zoning By-Law Project
Client

APPENDIX C

**O'CONNOR
MACLEOD
HANNA ^{LLP}**

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Brian J. Hanna	Larry S. Gangbar
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Owen J. Duguid	Carolyn M. McCarney
Alexandra Manthorpe	Counsel: Paul D. Stunt

* Certified Specialist (Corporate and Commercial Law)

+ Certified Specialist (Real Estate Law)

October 30, 2013

Via Email and Regular mail

Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Ms. Best:

**Re Public Consultation on Second Draft of Zoning By-law and
Official Plan Amendment File: 42.24.005
Budds Group of Companies: 410 South Service Road West, 2454 South Service
Road West, 2400 South Service Road West, 2430 South Service Road West, 2474
South Service Road West, 1501 North Service Road West, 2071 South Service Road
West, Parcel South of 2474 South Service Road West
Our File No. 95352**

We act on behalf of Budds Group of Companies on multiple properties in the Town of Oakville, as listed above. Thank you for the opportunity to review the second draft of the Town of Oakville Zoning By-law, the accompanying Official Plan Amendment, as well as the letter from Joe Nethery dated October 22, 2013. We have reviewed these documents on behalf of our client, Budds Group of Companies, and offer the following comments.

Official Plan Amendment Comments

Regarding the proposed official plan amendment, many of our issues and concerns regarding motor vehicle dealerships have been addressed. We do note that Sections 14.3.1 b), 14.4.1 b), and 14.5.1, b) contain additional wording regarding the permissions for motor vehicle related

700 Kerr Street, Oakville, Ontario, Canada L6K 3W5 T: 905-842-8030

Main Fax: 905-842-2460 Real Estate Fax: 905-842-4180 www.omh.ca

uses "subject to limitations defined in the implementing zoning". It is not clear why the official plan would contain this type of reference to regulations within a zoning by-law. The official plan provides direction to zoning and the zoning by-law implements and conforms to the official plan. Any development would need to conform to the zoning regulations.

Section 14.6.1, as well as other references within the amendment, should be revised to read "motor vehicle related uses including motor vehicle sales" as the term motor vehicle related uses includes motor vehicle sales. These terms are used inconsistently within the amendment. It is our request that this be revised as appropriate throughout the amendment to ensure no issues of interpretation regarding permitted uses in the future.

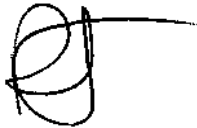
Zoning By-law Issues

Regarding the second draft zoning by-law, the majority of the concerns raised in our first submission have been addressed. There is one area of clarification required regarding the wording of Section 4.8 that contains the additional restrictions for lots adjacent a highway corridor. This section contains the term "*minimum parking space*" which is not a defined term within the by-law. It is our understanding that this would relate only to a required parking space but the wording of this section should be corrected.

We appreciate the time and efforts of the planning staff to resolve the concerns of our client.

Yours very truly,

O'CONNOR MACLEOD HANNA LLP



Ruhia Jokhio

RJ:lw

CC: Mr. Joe Nethery, Manager, Zoning By-law Project
Client

Joe Nethery

From: Joe Nethery
Sent: Sunday, November 03, 2013 5:55 PM
To: 'Laura Mizzi'; 'Ruhia Jokhio' [REDACTED]
Cc: Dana Anderson; Diane Childs; Joanna Wice; Lesley Gill Woods; Joe Nethery
Subject: RE: Public Consultation on Second Draft of Zoning By-law
Categories: v2.0 Inputs

Good evening Ruhia –

I've forwarded this to Lesley Gill Woods for the inZone OPA, and the letter will be added to the correspondence package.

As for the inZone component you are correct: the intent is for a required space to not be permitted within the highway corridor setback (per MTO's corridor control regulations). We are proposed to call required parking spaces "minimum" spaces. The term is not defined. The fix is to take the italics off of "minimum". Staff will continue to recommend keeping the required spaces outside of the highway corridor setback.

I will add your letter (plus the other two) and this reply to the correspondence package being presented to Council tomorrow evening.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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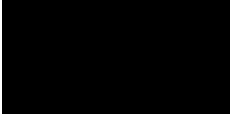
From: Laura Mizzi [REDACTED]
Sent: Wednesday, October 30, 2013 3:12 PM
To: Cathie Best
Cc: Joe Nethery
Subject: Public Consultation on Second Draft of Zoning By-law

Please see attached correspondence.

LAURA MIZZI (formerly Wheeler)
Legal Assistant
O'Connor MacLeod Hanna LLP



**O'CONNOR
MACLEOD
HANNA ^{LLP}**



Barristers & Solicitors

Brian J. Hanna	Larry S. Gangbar
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Owen J. Duguid	Carolyn M. McCarney
Alexandra Manthorpe	Counsel: Paul D. Stunt

* Certified Specialist (Corporate and Commercial Law)
† Certified Specialist (Real Estate Law)

November 1, 2013

Via Email and Regular mail

Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Ms. Best:

**Re Public Consultation on Second Draft of Zoning By-law: Glenburnie School
Our File No. 96000**

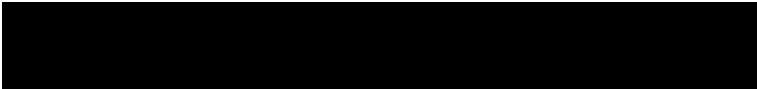
We act on behalf of Glenburnie School in the Town of Oakville. Thank you for the opportunity to review the second draft of the Town of Oakville Zoning By-law, as well as the letter from Joe Nethery dated October 22, 2013. We have reviewed these documents on behalf of our client, and offer the following comments.

The Livable Oakville Plan contains the following policy regarding the Glenburnie School site and the adjacent lands:

27.5.5 On the lands designated Business Commercial at the northeast corner of Upper Middle Road and Ninth Line, the following shall apply:

- a) An expansion to the existing educational facility is permitted in accordance with the existing zoning.
- b) Any change to the zoning of the abutting lands shall recognize the existing educational facility and the current setback regulations as provided for in the existing zoning.

This policy relates to the current zoning by-law 1984-63. The Draft Zoning By-law proposes a



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special provision E4-262 for this site. We appreciate staff's efforts to address the above noted policy within the zoning provisions as well as the other concerns identified by our client but we do note that additional revisions are still required to this subsection.

The E4 zone proposes a number of new provisions that would constrain or prevent the expansion of the existing educational facility. We have identified a number of zoning provisions that do not conform to the above noted policy and significantly deviate from the existing zoning provisions such as the proposed maximum front and flankage yards of 19.5m, Section 10.5, as well as the minimum lot area of 6.0ha. The current school facility is located within the northeast corner of the property with the play fields located at the intersection of Ninth Line and Upper Middle Road. These new setback provisions would require the expansion to be located within the active outdoor area. The current school facility is located on a parcel of land of 1.463ha in area. The imposition of a 6ha minimum lot area requirement, which would result in the need for a zoning by-law amendment prior to proceeding with any expansion, is not acceptable to my client.

We have reviewed the proposed parking ratios that would apply to any expansion of this facility and advise that the proposed standard is not appropriate for private schools. This new standard also would not be in conformity with the policy of the Livable Oakville Plan as set out above.

We would be pleased to have further discussions with staff to undertake a thorough review of the proposed zoning provisions to ensure that the policies of the Livable Oakville Plan are appropriately implemented into the new zoning by-law. We anticipate that our clients concerns can be resolved with revisions to the wording of the special provision.

Yours very truly,

O'CONNOR MACLEOD HANNA LLP



Ruhia Jokhio

RJ:lw

CC: Mr. Joe Nethery, Manager, Zoning By-law Project
Ruth Victor
Client

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 05, 2014 3:57 PM
To: 'Ruth Victor' [REDACTED]
Cc: Dana Anderson; Diane Childs; Denis Daoust; Matt Rubic; 'Patrick Sweet' [REDACTED] Joe Nethery
Subject: Glenburnie Parking
Attachments: GlenburnieSiteSketch-2feb14.pdf
Categories: v2.0 Inputs

Good afternoon Ruth –

I'm writing about Glenburnie's school parking rate. We've done our research on the public schools and backcounting and an interesting quirk has arisen when staff did the same digging on the Glenburnie site.

Zoning has advised that when the school was built the property was zoned PBA so the private school rate in the open space zones applied (same as P/E regulations: the assembly area metric). The property was re zoned to C3A back in 2002. Back in 1999 for the last alteration to this site when the property was zoned PBA they provided a site plan showing they required 66 spaces and provided 33 on the paved parking lot and 33 on the playground and 10 queuing spaces meeting the private school regulations.

The current C3A regulation for a private school is for **1 parking space for every 6 seats and for every other accommodation for 6 persons**. There hasn't been any additions or alterations to the school since being rezoned to C3A so the existing parking is legal non-conforming.

I would think we both agree that 1/6 seats is not a parking regulation any of us want to see applied to that property.

Using the backcounting on Glenburnie school, if the spaces behind the school were to be used to meet the By-law they would need to be upgraded (they all look deficient on both aisles and space dimensions). If so, I estimate there are 20 spaces that could fit back there and be 100% compliant – with some landscaping wording I'm working on, I don't think a variance is required for the undersized widths along the lot lines.

That means there are 53 parking spaces on site. If 48 is the minimum requirement (32 classrooms), then there is room for a 2-room addition as-of-right. Assuming the servicing requirement of Section 4.14 could be satisfied, Site Plan Approval would be required and presumably (I haven't spoken with any current planners or urban designers) staff would request the rear parking be paved and curbed (not sure about runoff drainage). My math is based on moving the garbage container (the green circle). Moving it means it will need to be enclosed (structure/fence is permitted). He'll need a second barrier-free space out front (note the new dimensions and access paths requirements in Section 5.4) so one space might be lost there to accommodate that. If so, we're at 52 spaces on site – still compliant for a two-room addition with the existing site layout. Of course, any more expanding would require more parking and an expansion of the parking area.

Therefore, staff's recommendation will be that the school be subject to the same 1 for 1.5 classroom rate as other private and public schools in Oakville.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes

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required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. We will be sending out an email to the project mailing list when the final draft (v3.0) is online and available for review. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

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EMSHIH DEVELOPMENTS INC.

Via Email and Ordinary Mail

November 1, 2013

Joe Nethery
 Manager, Zoning By-Law Project
 Planning Services
 Town of Oakville

Dear Mr. Nethery,

I am submitting, on behalf of Emshih Oak Park Inc., further comment as part of the Town's Zoning By-Law Review, in response to on our meeting on July 31, 2013, your subsequent letter on August 23, 2103 and the recently released Second Draft of the *2014 Zoning By-Law* (September 18, 2013 version). I have also included comment on the June 2013 version of the Draft *Livable by Design: Urban Design Manual*.

Emshih Oak Park Inc. owns land located at the southeast corner of Oak Park Boulevard and Taunton Road within the Uptown Core Area, and is currently proceeding with a development application for the property that will be filed with the Town.

By point for each relevant section of the Draft *2014 Zoning By-Law*:

- Section 8.2 (footnote 3 b): We disagree with points 3 and 4 in Staff's letter response. The restriction on ancillary residential uses on the first storey of 15% of the length of the main wall is overly restrictive and should be removed entirely for the reasons outlined below.

Lobby and common areas for access, leisure, and recreation promote activity at the street and provide visual interest via main façade windows and openings, and should be encouraged at the street level.

The ancillary residential use restriction on the main wall length is not feasible for smaller sites with narrow frontages that also need to accommodate side yard setbacks, driveways, etc thereby resulting in a shorter main wall length. The ancillary residential use restriction of 15% of the main wall length may be insufficient in length to provide even a double door lobby entrance.

Retirement Home and Long Term Care Facility uses require significant amounts of common amenity areas and dining facilities, which contribute to a lively streetscape when oriented

towards a public road. These uses should not be relegated to the rear of the building or to upper level floors and therefore the ancillary residential use restriction on the main wall length should be removed.

- Section 8.2 (footnote 4): The proposed regulation prohibiting certain uses above the first storey in the MU2 Zone is a proposed restriction that is not in the existing UCC3R Zone. These prohibited uses are often successful only on the second floor and above, and contribute to a lively neighbourhood. This provision should be removed as it will have the unintended consequence of preventing these uses from locating in the applicable Mixed Use Zones, such as spas and hairdressers as well as other personal service, retail store, and service commercial establishments, etc. Many of these neighbourhood uses will likely be unable to lease ground floor spaces either because the limited number of ground floor spaces in MU1 and MU2 Zones will have been leased to prime retailers and/or ground floor lease rates will be unaffordable.
- Section 8.7a: Please clarify the intent of this proposed regulation. The regulation prohibits parking in the first 9 metres depth on the first storey of a parking structure. A parking structure may be proposed in the interior of a lot whereby the main front wall would not be directly fronting on a public road.
- Section 8.9b: The proposed regulation is overly restrictive and may not promote good urban design. At corner sites, strategic setbacks from a building with the side wall located along a flankage lot may be necessary to provide a break in massing and also encourage activity by incorporating patio, public art, urban squares, and seasonal retail spaces. The minimum requirement of 75% of the length of the main flankage wall to be located within the minimum and maximum flankage yards should be removed or reduced.
- Section 1.9.2: The proposed transition clause should also permit Minor Variance and Site Plan applications *received and in progress* prior to the approval of the 2014 Zoning By-Law to be evaluated using only *Zoning By-Law 1984-63*. This would relieve applicants from the uncertainty and the possible infeasibility of conforming to both the existing and proposed zoning regulations.
- Section 2.3.1d: The proposed provision should also acknowledge that the zoning boundary as determined according to the scale shown on the Zoning Maps is approximate.
- Section 4.11.2: The proposed landscaping provision is inconsistent with Section 8.3 Mixed Use Zone lot regulations. It requires a continuous area of landscaping parallel to and following the entire specified lot line for the MU2 Zone of 3.0 metre landscaped width which is greater than the minimum front and flankage yard requirements for the zone of 0 metres, and also requires a minimum 7.5 metre landscaped width for the MU4 Zone which is greater than the minimum 1.0 metre and maximum 5.0 m front and flankage yards. The landscaping width requirements should be reduced for the MU2 and MU4 Zones.

The required location of landscaping identified in the proposed provision also appears to be inconsistent with policies identified in Section 4.11.1b and e.

- Section 5.2.2 (Map 19-22a): The proposed minimum number of non-residential use parking spaces for the Uptown Core is in instances more onerous (requires more parking spaces) than current *Zoning By-Law 1984-63* standards and the proposed minimum standard for non-growth areas in Oakville. The minimum number of parking spaces for non-residential uses should be *less* than the minimum required spaces in non-growth areas as identified in Section 5.2.1. The minimum number of parking spaces should be 85% of the standards outlined in Table 5.2.1. This would be consistent with the Livable Oakville goals for the Uptown Core Growth Area (UCGA) which includes being pedestrian-oriented, walkable, transit-supportive, mixed use, and medium and high density housing and a mix of retail and service commercial uses.

The proposed minimum number of parking spaces for uses on the first storey and retail store and service commercial uses is 1.0 per 22.0 m², however the existing *Zoning By-Law 1984-63* only requires 1.0 per 28m², which is more reasonable. The proposed rate is also much higher than the proposed rate for non-residential uses in Mixed Use Buildings of 1.0 per 35 m². This is contrary to UCGA goals.

The proposed minimum number of parking spaces for “all other uses” of 1.0 per 30 m² is too general, as it encompasses uses where non-growth area parking rates are reduced, such as Mixed Use Buildings (1.0 per 35m²), Business Office (1 per 35 m²), and Day Care (1 per 40 m²). The minimum number of parking spaces for “all other uses” should be less, not more than the proposed minimum requirement in non-growth areas.

The proposed minimum number of parking spaces for Medical Offices is 1.0 per 18.0m² which is higher than the existing *Zoning By-Law 1984-63* standard of 1 per 23.2 m². The proposed minimum should be reduced to the current rate standard, which has been applied to many existing medical offices and has provided more than sufficient parking spaces.

- Section 5.3.1: Clarification is needed on the proposed requirements for bicycle spaces in the context of residential uses. Private, indoor bicycle lockers or racks are often provided within residential buildings and should be counted toward the minimum number of parking spaces required on a lot.
- Section 5.3.3: Clarification is needed as to the permitted locations for bicycle parking spaces within a lot, such as in landscape areas.

The proposed minimum bicycle parking space dimensions should not be applied to indoor bicycle parking spaces, where bicycles are typically parked in closer proximity.

The proposed minimum width of 0.6 metres should be reduced as it is too onerous and much larger than available standard commercial bicycle rack systems which provide bicycles with 0.3 metres in width. Also, the proposed maximum number of bicycle parking spaces in the Uptown Core is 50, which would require a length of 100 feet based on the proposed width requirements.

- Section 5.10.2 Map 19(22a): Clarification is needed regarding surface parking restrictions for the Uptown Core area. In the Staff letter dated August 23, 2013, it is noted that there will be a

proposed maximum number of parking spaces within an individual surface parking area for Growth Areas.

- In Staff's letter response, it is stated that Staff will not recommend including a reduced minimum height as an as-of-right permission. As part of the development application for the subject property, a Zoning By-Law amendment should not be required to permit a two storey building in the context of the existing provision for this in the Official Plan.

A special site specific provision, or a similar approach, should be included in the new Zoning By-Law to reflect the policy in Section 21.5.5c of the Livable Oakville Plan (which permits a two storey minimum building height along Oak Park Blvd to allow flexibility in building and site design, upon demonstration of planned intensification for the site).

Draft Urban Design Manual (June 2013)

It appears that a number of the proposed zoning provisions were built upon the Draft Urban Design Manual (June 2013 circulation). We have identified a number of concerns regarding the proposed directions in the manual, outlined below.

- Section 3.2.1.2 b): The proposed minimum of 75% glazing on main wall façade should be reduced significantly. The significant glazing is not compatible with all land uses or architectural styles.
- Section 3.2.1.7: The proposed 0.6 to 0.9 m higher elevation for residential units to be accessed on ground floor should not include apartment building forms.
- Section 3.2.1.8 a): The proposed minimum of 95% of the façade zone to be occupied by building main wall along abutting primary streets is much too stringent. This does not include flexibility to consider providing breaks in massing, appropriate setbacks from adjacent buildings, patio spaces, landscaping opportunities, and pedestrian access and sightlines to the interior of the site.
- Section 3.2.1.8 b): The proposed minimum of 75% of the façade zone to be occupied by building main wall along secondary streets too restrictive, and is not feasible for high rise sites or corner sites where multiple buildings are proposed, requiring multiple access points/
- Section 3.2.1.8 c): The proposed maximum 55 m in main wall length along the façade zone is not feasible in conjunction with the proposed requirements of a) and b) above.
- Section 3.2.1.8 d): The proposal for massing to wrap corner lots may not be desired, as the incorporation of patio space and public art may provide more benefit.
- Section 3.3.3.11: The proposal for individual parking courts with no more than 100 parking spaces is less feasible for small to medium sized lots, which have the same landscaping buffer widths as large lots. There is more benefit to require large lots with large parking requirements

APPENDIX C

to have more divided parking courts. For example, requiring sites with more than 250 parking spaces to have individual parking courts with no more than 100 parking spaces.

Should you require any clarification on the comments and concerns outlined above, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melissa Shih', written in a cursive style.

Melissa Shih
Emshih Developments Inc.

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 2:19 PM
To: 'melissa [REDACTED]'
Cc: Dana Anderson; Diane Childs; Denis Daoust; Gabe Charles; Christina Tizzard; Joanna Wice
Subject: RE: Written Submission for Zoning By-Law Review
Categories: v2.0 Inputs

Good afternoon Melissa –

I promised to reply per our January 14, 2014 meeting with respect to items to report back on re: the recommendations contained in the final draft (v3.0). By point in your November 1, 2013 letter where follow-up was requested:

- The final draft (v3.0) does not recommend including ancillary residential uses within the first 9.0 metres of building depth outside of the 15% length. Internal recreational space do not promote activity on the street per Sections 6.2.6 (“cohesion and seamless transitions between the public and private realm”) and Section 6.2.7 (“location of active uses such as patios”), among others and pending Livable by Design (Urban Design Manual) amendments to the Livable Oakville Plan.
- Footnotes 4 and 5, relating to the mixing of uses within a building, are deleted from the final draft (v3.0).
- The recommendation for transition clauses remains to recognize only recent planning approvals (consent, minor variance, site plan). Application in progress will need to comply with the by-laws in force at the time of decision.
- Bicycle parking space dimensions are deleted from the final draft (v3.0). Appropriate design shall be reviewed at the Site Plan Approval stage.
- A revision is recommended in the updated final draft (v3.1) to clarify that the parking structure setback is measured from a lot line and not a main wall, in order to permit a parking structure as-of-right if it is truly internal to the lot. Appropriate placement and design would be reviewed at the Site Plan Approval stage.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

From: [REDACTED]
Sent: Friday, November 01, 2013 1:48 PM
To: TownClerk; Joe Nethery
Subject: Written Submission for Zoning By-Law Review

Dear Clerk and Joe,

Please find attached a written submission as part of the Town's Zoning By-Law Review on behalf of Emshih Oak Park Inc., owners of property located at the southeast corner of Oak Park Blvd and Taunton Road, Oakville. I wish to submit this letter to be presented to Staff and Council for the November 4th statutory public meeting as part of the inZone process, prior to the final draft By-Law.

Please let me know if you also require a hard copy to be couriered to Town Hall prior to noon on Monday November 4th.

Sincerely,

Melissa Shih



IBI Group



October 29, 2013

Town of Oakville
Mayor Rob Burton and Members of Council
c/o Town Clerk
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Mayor Burton and Members of Council:

**TOWN OF OAKVILLE ZONING BY-LAW REVIEW (INZONE)
CANADIAN TIRE REAL ESTATE LIMITED COMMENTS**

We are pleased to provide additional comments on the Draft Oakville Zoning By-law (ZBL) on behalf of our client, Canadian Tire Real Estate Limited (CTREL). We were retained by CTREL to review the Draft ZBL against their key property assets in the Town, including:

- [REDACTED] Kerr Street, which includes a Canadian Tire retail store and associated garden centre and automotive centre, propane facility, Mark's Work Wearhouse and gas bar;
- [REDACTED] Dundas Street, which includes a Canadian Tire retail store and associated garden centre and automotive centre, propane facility, gas bar and car wash; and
- [REDACTED] Hyde Park Gate, which includes a Canadian Tire retail store and associated garden centre and automotive centre, and Mark's Work Wearhouse.

We provided a comment letter to Mr. Joe Nethery on September 10, 2013, indicating our client's concerns. This letter is attached. Since this time, we have received a response letter from Mr. Nethery, dated October 22, 2013, which we have also attached. Since this time, we have reviewed the latest version of the Draft ZBL against the above-noted property assets.

We appreciate that modifications have been made to the Draft ZBL that have considered some of CTREL's concerns. However, our client continues to have concerns that may impact their ability to undertake necessary future modifications to their properties. These concerns are highlighted below:

Proposed Service Station (C4) Zone

As noted above, two of CTREL's properties contain gas bars. The portions of these properties containing motor vehicle service station/washing facility uses are proposed to be zoned Service Station (C4). We can understand the context whereby having a specific service station zone is desirable. However, we would like to note that unlike many motor vehicle service stations, Canadian Tire gas bars function in strong relation to the associated Canadian Tire retail store, and form a pivotal component of their business. Sites are designed and configured in a manner that provides safe and efficient integration between retail stores and gas bars. In many cases, propane facilities are located in close proximity to the gas bars, and are also used by retail store customers. This differs from many other stand alone motor vehicle service stations, which do not share such a relationship with adjacent commercial or retail uses.

Town of Oakville – October 29, 2013

The proposed C4 Zone also poses a concern in that it results in Canadian Tire properties to become split-zoned. In Canadian Tire's experience, split zoning significantly limits further growth or expansion of a Canadian Tire gas bar by constraining the use within the zone boundary. Canadian Tire gas bars commonly undergo modifications and expansions alongside additional site modifications, and the proposed C4 Zone would result in a Zoning By-law Amendment to accommodate an expansion, which is a very timely and costly undertaking.

In our client's experience, split zoning is usually avoided by including a site-specific provision which recognizes all uses associated with a Canadian Tire retail store. These uses include the retail store, motor vehicle repair facility, garden centre, motor vehicle service station, motor vehicle washing facility and propane transfer facility. This approach is used in the Town's current ZBL 1984-63, and we strongly recommend that the same approach be carried forward in the new ZBL related to all three Canadian Tire properties in the Town. This will provide Canadian Tire with the assurance that the uses associated with their business are recognized, and that CTREL would be permitted to continue making modifications to such uses.

We note that the property at [REDACTED] Hyde Park Gate does not currently contain a gas bar, however, Canadian Tire would like to preserve their opportunity to accommodate such a use, as gas bars are currently permitted on the site.

Special Parking Provisions and Committee of Adjustment Decisions

Our September 10, 2013 letter highlighted Special Provisions and Committee of Adjustment Decisions related to site-specific parking standards that currently apply to the above-noted properties. We appreciate the clarification received as part of Mr. Nethery's response letter of October 22, 2013 related to this matter, and are currently reviewing the Draft ZBL parking standards against CTREL's properties. As such, we would like to reserve the right to further comment on these standards upon completion of our review.

Maximum Front and Flankage Yard Setbacks

Our letter dated September 10, 2013, outlines concerns related to the proposed Maximum Front Yard and Flankage Yard Setbacks, which apply to the above-noted properties. These proposed setback requirements pose significant concern to CTREL, as their retail stores currently exceed these proposed maximum yard setbacks. Canadian Tire commonly undertakes modifications to existing buildings, and as such, any proposed future addition to the existing building may not comply with these proposed maximum setback requirements.

We recommend that a site-specific standard be applied to all three properties that recognize existing front and flankage yard setbacks. Alternatively, we recommend that these sites be exempt from the proposed maximum front and flankage yard setbacks.

Further detail on this matter is provided in our September 10, 2013 letter.

Outdoor Display and Sales Area

A site specific provision is proposed to be added for the property located at [REDACTED] Dundas Street East, placing a maximum Gross Floor Area of 900m² for Outdoor Display and Sales Areas. As you may be aware, the Canadian Tire Garden Centre is a major component of the retail store business. In most cases, the Garden Centre area is considered to form part of the retail store building, however, it is unclear in the Draft ZBL whether this would be considered an Outdoor Display and Sales Area rather than a component of the retail store. Our client would like to clarify that the Garden Centre is *not* considered an Outdoor Display and Sales Area.

Town of Oakville – October 29, 2013

We would like to thank you for your consideration of our request, and would be happy to meet with Town staff to further discuss our client's concerns. If you have any questions regarding our comments, please do not hesitate to contact the undersigned.

Yours Truly,

IBI Group



Scott Arbuckle, MCIP, RPP
Associate

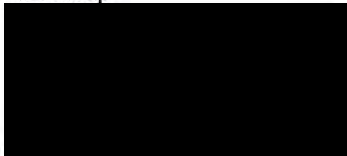


Michael Lipkus, MES, MCIP, RPP

cc. Mr. Joe Nethery – Manager, Zoning by-law Project, Town of Oakville
Ms. Emily Chan – Canadian Tire Real Estate Limited



IBI Group



September 10, 2013

Mr. Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Town of Oakville
Planning Services
1225 Trafalgar Road
Oakville, ON L6H 0H3

Dear Mr. Nethery:

TOWN OF OAKVILLE ZONING BY-LAW REVIEW CANADIAN TIRE REAL ESTATE LIMITED COMMENTS

IBI Group was retained by Canadian Tire Real Estate Limited (CTREL) to review the Town of Oakville Draft Zoning By-law (ZBL), released in June 2013. Specifically, we were retained to review the Draft ZBL against key property assets owned by CTREL, including:

- [REDACTED] Kerr Street, which includes a Canadian Tire retail store and associated garden centre and automotive centre, propane facility, Mark's, and gas bar;
- [REDACTED] Dundas Street, which includes a Canadian Tire retail store and associated garden centre and automotive centre, propane facility, gas bar and car wash; and
- [REDACTED] Hyde Park Gate, which includes a Canadian Tire retail store and associated garden centre and automotive centre, and Mark's.

As the retail market continues to evolve, it is essential that Canadian Tire be able to adapt their stores and services in a manner that appropriately responds to the needs of their customers. In some cases, this involves making modifications to existing property assets, which may include building additions, elevation modifications, signage modifications, or site reconfigurations.

Based on our review, the proposed zoning standards of the Draft ZBL pose several matters of concern. While some concerns vary between the above-noted sites, several items apply to all three properties. Common issues are discussed first below, followed by site-specific issues.

ISSUES COMMON TO ALL CTREL SITES

Permitted Uses

Proposed Motor Vehicle Uses

As you may be aware, a key component of Canadian Tire business includes providing a variety of motor vehicle-related services to its customers. These services include Canadian Tire gas bars, car washes, and more commonly, Automotive Service Centres. The current ZBL 1984-63 permits a variety of automobile related uses on CTREL's properties, which are all currently zoned Arterial Commercial (C3). Specifically, these uses are defined as "Automobile Related Uses" and "Service Station Uses". ZBL 1984-63 defines Automobile Related Uses as follows:

Mr. Joe Nethery, MCIP, RPP – September 10, 2013

“Automobile Related Use: means new and used automobile, recreational vehicle, motorcycle and truck dealerships, service stations, public garages for vehicles and motorized snow vehicles, auto inspection and insurance appraisal, auto, truck and trailer rental and leasing and automotive specialty and service shops related to mufflers, shock absorbers, transmissions, radiators, tires, brakes, alignment, glass, radios, diagnostics, electrics, upholstery, washing, polishing, cleaning, air conditioning and rust-proofing.”

Based on this definition, Automobile Related Uses permit a wide variety of services, most notably those that permit the motor vehicle-related repair services commonly associated with Canadian Tire retail stores, including the Automotive Service Centre.

The Draft ZBL does not include a definition of Automobile Related uses, but rather offers a variety of uses related to motor vehicles, including Motor Vehicle Service Station uses, Motor Vehicle Repair Facility uses, and Motor Vehicle Washing Facility uses, among others. With respect to the above-noted properties, the proposed ZBL only permits Motor Vehicle Service Station and Motor Vehicle Washing Facility uses on CTREL's properties. This causes concern in that the prohibition of the Motor Vehicle Repair Facility use would not permit the Canadian Tire Automobile Service Centre, which comprises a key component of the Canadian Tire business.

In light of the foregoing, we recommend that the Motor Vehicle Repair Facility use be added as a permitted use for all three properties.

Retail Store

The definition of “Retail Store” in the Draft ZBL does not include any floor area stipulation. As the majority of CTREL landholdings are considered large format retail stores, we would like to clarify if such a floor area stipulation applies and ensure that the large format retail nature of CTREL stores is clearly permitted.

Yard Setbacks

The Draft ZBL introduces maximum front and flankage yard setbacks. Additionally, the proposed Commercial Zones that apply to CTREL's properties (including C2 and C3 Zones) states:

“on a corner lot located at the intersection of any two arterial roads, collector roads, or an arterial road and a collector road, the maximum front and flankage yards shall be 10.0 metres for the first 33% of the length of the front and flankage lot lines measured from the point of intersection of the lot lines or the point of intersection of the projection of the lot lines where the two do not intersect.”

We also note that beyond the first 33% of the length of the front and flankage lot lines, a maximum yard setback of 19.5m applies. The proposed maximum front and flankage yard setbacks pose significant concern to CTREL, as their current retail store locations exceed these proposed maximum yard setbacks. This would result in non-compliance.

As such, we recommend that a site-specific standard be applied to all 3 properties that recognize existing front and flankage yard setbacks. Alternatively, we would recommend that these sites be exempt from the proposed maximum front and flankage yard setbacks.

Mr. Joe Nethery, MCIP, RPP – September 10, 2013

ISSUES OF A SITE SPECIFIC NATURE

██████ Kerr Street

CTREL's property, located at ██████ Kerr Street, comprises a Canadian Tire retail store and associated garden centre and automotive centre, propane facility, Mark's, and gas bar. The Draft ZBL proposes to rezone the site from Arterial Commercial (C3A-SP:465) Zone to Core Commercial (C3-SP:146) Zone. In addition to the aforementioned items noted above, the following outlines site-specific concerns related to this property:

- **Parking:** The Committee of Adjustment approved a minor variance (Decision C.A.V. A/179/2010), permitting a minimum parking requirement of 1 space for every 32m² of leasable floor area, applied to the retail store and associated garden centre uses. The Draft ZBL would require a minimum parking requirement of 1 space for every 18m² of leasable floor area. In speaking with Town staff, it is our understanding that once the new ZBL is in effect and ZBL 1984-63 is repealed, all Committee of Adjustment Decisions would no longer be in effect. This would pose significant concern for CTREL, as repealing the current ZBL may result in non-compliance with respect to parking on the site. As such, we recommend that the Committee of Adjustment Decision be recognized and incorporated into the new ZBL.
- **Building Height:** The current ZBL 1984-63 requires a maximum building height of 7.5m for the current C3 Zone, whereas the proposed C3 Zone requires a *minimum* of 2 storeys in height for the first 30m of lot depth on any lot abutting a highway corridor. As the subject lands abut an identified highway corridor, this provision would apply, thus resulting in non-compliance.

In light of the foregoing, we recommend that a site-specific standard be applied to the subject lands to recognize the existing standards on the property, pursuant to ZBL 1984-63, and any associated Committee of Adjustment Decisions that apply to the lands.

██████ Dundas Street East

CTREL's property, located at ██████ Dundas Street East comprises a Canadian Tire retail store and associated garden centre and automotive centre, propane facility, gas bar and car wash. The Draft ZBL proposes to rezone the site from Arterial Commercial (C3A(a)-SP:591) Zone to Community Commercial (C2) Zone. Further to the aforementioned items noted above, the following outlines site-specific concerns related to this property:

- **Parking:** Special Provision 591 permits a minimum parking requirement of 1 space for every 18m² of ground floor leasable floor area, and 1 space for every 28m² of leasable floor area above or below the ground floor, applied to the retail store and associated garden centre. The Draft ZBL would require a minimum parking requirement of 1 space for every 18m² of leasable floor area. To ensure the minimum parking requirements remain for any future proposed above or below ground component, we request that Special Provision 591 be recognized and incorporated into the new ZBL.
- **Building Height:** The current ZBL 1984-63 does not provide provisions related to building height for the current C3 Zone, whereas the proposed C2 Zone requires a *minimum* of 2 storeys for the first 30m of lot depth on any lot abutting Dundas Street. As the subject lands abut Dundas Street, this provision would apply, resulting in non-compliance.
- **Propane Facility:** Although recognized as a permitted use within the proposed C2 Zone, Retail Propane and Transfer Facilities are *not* permitted on a lot abutting any

Mr. Joe Nethery, MCIP, RPP – September 10, 2013

Residential Zone in the Draft ZBL. As noted above, the site currently contains such a Facility, which would not be permitted as the site abuts a Residential Zone, located to the south. To recognize the existing use, we recommend that this prohibition be removed as it applies to the subject property.

In light of the foregoing, we recommend that a site-specific standard be applied to the subject lands to recognize the existing standards on the property, pursuant to ZBL 1984-63.

Hyde Park Gate

CTREL's property, located at Hyde Park Gate, comprises a Canadian Tire retail store, garden centre, automotive centre and Mark's. The Draft ZBL proposes to rezone the site from Arterial Commercial (C3A-SP:434/606) Zone to Core Commercial (C3-SP:44) Zone. Further to the aforementioned items noted above, the following outlines site-specific concerns related to this property:

- **Parking:** Special Provision 606 permits a minimum parking requirement of 1 space for every 18m² of ground floor leasable floor area, and 1 space for every 28m² of leasable floor area above or below the ground floor, applied to the retail store and associated garden centre. The Draft ZBL would require a minimum parking requirement of 1 space for every 18m² of leasable floor area. To ensure the minimum parking requirements remain for any future proposed above or below ground component, we request that Special Provision 606 be recognized and incorporated into the new ZBL.
- **Committee of Adjustment Decision:** Further to the special parking provision noted above, the site is also subject to Committee of Adjustment Decision C.A.V. A/124/98, which permits a minimum of 608 parking spaces related to the 10,436m² of retail uses found on the site, whereas the ZBL would require 635 parking spaces. In speaking with Town staff, it is our understanding that once the new ZBL is in effect and ZBL 1984-63 is repealed, all Committee of Adjustment Decisions would no longer be in effect. This would pose significant concern for CTREL, as repealing the current ZBL may result in non-compliance with respect to parking on the site. As such, we recommend that the Committee of Adjustment Decision be recognized and incorporated into the new ZBL.
- **Front and Rear Yards:** The current ZBL 1984-63 defines the *rear yard* to be the yard abutting Dundas Street. The Draft ZBL proposes that Dundas Street be defined as the *front yard*. The reversal of these yards poses concern for CTREL, as the site would not comply with the proposed front yard setback provisions. Furthermore, there may be issues of compliance regarding landscaped area due to the proposed reversal of the yards, as a 25% minimum landscaping coverage is required for the rear yard. As such, we recommend that a site-specific standard be applied to recognize the existing setbacks and landscaping conditions, pursuant to ZBL 1984-63. Alternatively, if this is not feasible, we would recommend that the existing front and rear yards be maintained, pursuant to ZBL 1984-63.
- **Building Height:** The current ZBL 1984-63 does not provide provisions related to building height for the current C3 Zone, whereas the proposed C2 Zone requires a *minimum* of 2 storeys for the first 30m of lot depth on any lot abutting Dundas Street. As the subject lands abut Dundas Street, this provision would apply, resulting in non-compliance.

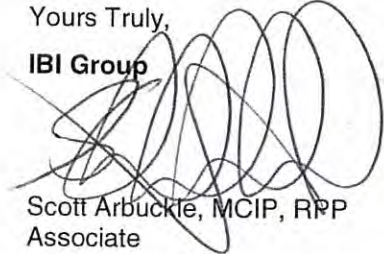
Mr. Joe Nethery, MCIP, RPP – September 10, 2013

In light of the foregoing, we recommend that a site-specific standard be applied to the subject lands to recognize the existing standards on the property, pursuant to ZBL 1984-63, and any associated Committee of Adjustment Decisions that apply to the lands.


We would like to thank you for your consideration of our request, and would be available to arrange a meeting should you wish to discuss this further. If you have any questions regarding our comments, please do not hesitate to contact the undersigned.

Yours Truly,

IBI Group



Scott Arbuckle, MCIP, RPP
Associate



Michael Lipkus, MES, MCIP, RPP

cc: Emily Chan – Canadian Tire Real Estate Limited



October 22, 2013

Scott Arbuckle, MCIP RPP and Michael Lipkus, MCIP RPP
IBI Group
308-30 Eglinton Avenue West
Mississauga, ON L5R 3E7

Dear Messrs. Arbuckle and Lipkus:

**Re: Town of Oakville Zoning By-law Review
Canadian Tire Real Estate Ltd.**

Thank you for your submission on the Town's Zoning By-law Review. Staff have reviewed your letter of September 10, 2013. Staff have the following reply. By point and section in your letter:

All properties

1. Staff have included a new permission for accessory motor vehicle repair in the Core Commercial C3 Zone and a revised draft Special Provision 197 that will apply to the Dundas Street East property, but only accessory to a retail store in both locations.
2. Staff are not proposing any distinction between types of retail store in the 2014 Zoning By-law, except where a distinction was made in an existing Special Provision. All three locations would be interpreted as "retail stores."

Kerr Street

3. Section 5.1.1 of the second draft (v2.0) of the 2014 Zoning By-law contains an applicability clause that would exempt all "*legal and legal non-conforming use(s)*" from the requirements of Part 5 of the By-law. The new parking requirements would only be reviewed if an application is received that increases the number of parking spaces required on the lot. The current parking area layout would be legal. Staff would review any proposal for its impacts, including parking supply, and require a subsequent planning application, if required.
4. Staff are recommending deleting the footnotes requiring a minimum number of storeys on lots abutting Dundas Street (C2 Zone, #4) or the highway corridor (C3 Zone, #5).

Dundas Street East

5. The entirety of the commercial area bounded by Postride Drive, Dundas Street East, and Trafalgar Road would be interpreted as a "shopping centre" in the 2014 Zoning By-law. Through the Parking and Loading Standards Technical Paper prepared by Cole Engineering, the minimum number of parking spaces required for a shopping centre is a blended rate of all uses on the site of 1 space per 18.0 square metres leasable floor area for the first 2,500 square metres of leasable floor area, and 1 per 22.0 square metres leasable floor area for the floor area greater than 2,500 square metres. Should the complex remain developed as a single storey, large format retail centre, this would be a reduction in the minimum number of parking spaces from the current requirement in Zoning By-law 1984-63, as amended. Relief from the By-law would be required if the proposal does not comply with the parking standards.
6. Staff are recommending deleting the footnotes requiring a minimum number of storeys on lots abutting Dundas Street (C2 Zone, #4) or the highway corridor (C3 Zone, #5).



7. Staff have included, in a revised Special Provision 197 in the second draft (v2.0), an additional permission for the “retail propane transfer facility.”

Also, be advised that the portion of the site occupied by the service station and washing facility is proposed to be rezoned Service Station C4 in the second draft (v2.0), in accordance with a staff recommendation to place all such sites in a commercial designation in the Livable Oakville Plan in this Zone.

Hyde Park Gate

8. The entirety of the commercial area bounded by Postridge Drive, Dundas Street East, and Trafalgar Road would be interpreted as a “shopping centre” in the 2014 Zoning By-law. Through the Parking and Loading Standards Technical Paper prepared by Cole Engineering, the minimum number of parking spaces required for a shopping centre is a blended rate of all uses on the site of 1 space per 18.0 square metres leasable floor area for the first 2,500 square metres of leasable floor area, and 1 per 22.0 square metres leasable floor area for the floor area greater than 2,500 square metres. Should the complex remain developed as a single storey, large format retail centre, this would be a reduction in the minimum number of parking spaces from the current requirement in Zoning By-law 1984-63, as amended. Relief from the By-law would be required if the proposal does not comply with the parking standards.
9. Section 5.1.1 of the second draft (v2.0) of the 2014 Zoning By-law contains an applicability clause that would exempt all “*legal and legal non conforming use(s)*” from the requirements of Part 5 of the By-law. The new parking requirements would only be reviewed if an application is received that increases the number of parking spaces required on the lot. The current parking area layout would be legal. Staff would review any proposal for its impacts, including parking supply, and require a subsequent planning application, if required.
10. The clause in Special Provision 44 appears to have been written in error. Staff will revise the Special Provision in the final draft (v3.0) to recognize the rear yard as being along Dundas Street.

With respect to project timing, the statutory public meeting is scheduled for Monday, November 4, 2013. A number of changes will be made to the draft zoning based on continued staff review and public input received over the remainder of 2013. Please continue to follow the inZone project as we move toward Council’s passing of the By-law tentatively scheduled for February 10, 2014.

If you have any questions or desire a further meeting on this site, please do not hesitate to contact us.

Sincerely,

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project

cc: Dana Anderson, Director of Planning Services
Cathie Best, Clerk

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 10:47 PM
To: 'Michael Lipkus'
Cc: Diane Childs; Dana Anderson; Denis Daoust; 'Emily Chow'; 'Victor Simone'; 'Scott Arbuckle'; Joe Nethery
Subject: RE: inZone - CTREL Comments
Categories: v2.0 Inputs

Good evening Scott and Michael –

To confirm this email and our meeting of January 20, 2014, staff have the following reply. By point:

- At [REDACTED] Kerr Street and [REDACTED] Dundas Street, the Service Station C4 Zone has been removed and the entirety of the sites proposed to be in a single commercial zone.
- At [REDACTED] Kerr Street, the final draft (v3.0) Special Provision 146 contains the parking rate approved in the 2010 minor variance.
- At [REDACTED] Dundas Street, the 1/35 rate would apply if the second storey area was used as a business office.

For [REDACTED] Speers Road:

- Partsource would likely be interpreted to be a “retail store.” To confirm this once Zoning By-law 2014-014 is passed, you should apply for a zoning certificate from our Building Services department.
- A revised Section 4.12.1 is proposed in the final draft (v3.0) recognizing that a building permit can be issued where legal existing landscaping does not comply with the regulations of Zoning By-law 2014-014, provided the extent or degree of non-conformity is not increased. The 15% maximum landscaping coverage shall be included in the final memorandum being delivered to Council on February 25, 2014 (v3.1).
- The parking rate of 1/28 shall be included in the updated final draft (v3.1).

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Michael Lipkus [REDACTED]
Sent: Monday, February 03, 2014 10:04 AM
To: Joe Nethery
Cc: Diane Childs; Emily Chow; Victor Simone; Scott Arbuckle
Subject: inZone - CTREL Comments

Hi Joe,

As a follow up to our meeting with Canadian Tire on January 20th, we have taken a more detailed look at the proposed parking provisions for each site. The proposed parking requirements we discussed work for Canadian Tire's sites. We calculated parking for each site based on the following requirements:

- [REDACTED] **Kerr Street:** to maintain parking requirements from Decision CAV 0/179/2010, which permits 1 space for every 32sq.m of leasable floor area.
- [REDACTED] **Dundas Street:** parking calculated at 1 space / 18sq.m for the first 2,500sq.m of leasable floor area, 1 space / 22sq.m of leasable floor area beyond 2,500 sq.m, and 1 space / 35sq.m for any second storey floor area
- [REDACTED] **Hyde Park Gate:** parking calculated at 1 space / 35sq.m, which we understand will be applied to all lands zoned Core Commercial, located east of Highway 403.

In addition, we have taken a look at another site owned by Canadian Tire, located at [REDACTED] Speers Road. A Partsource Store currently occupies the site. The site is currently Zoned C3A-707, and is proposed to be zoned E4-238. We have a few comments related to the proposed zoning on this site, as follows:

1. **Permitted Use:** We understand that the current ZBL recognizes the use of the Partsource as a "retail sales warehouse". As this use is not noted in the proposed ZBL, we would like to clarify that the Partsource store would be considered a "retail store" use.
2. **Landscape Buffer:** Site-specific Provision 707 permits a minimum 15% Landscaped Area on the site, which includes the landscaped buffer area. The proposed ZBL requires a Landscape Buffer of 7.5m where abutting a Residential Zone, and 7.5m abutting a road. In some areas on the site, a buffer less than the required 7.5m is provided, which would result in non-compliance. We'd like to have the site specific provision allowing minimum Landscaped Area of 15%, including the buffer area, be carried forward in the new ZBL. This would avoid having to apply for a Minor Variance should any modifications be proposed for the site.
3. **Parking:** Site-specific provision 707 provides a parking rate of 1 space / 28sq.m of leasable floor area. This was not carried over in the proposed ZBL, which would require parking to be calculated at a rate of 1 space / 18sq.m. This proposed rate would result in a parking shortfall. We note that the parking needs of a Partsource store are generally less than many other retail stores, due to the automotive-type products sold in the store. As such, we would like to have the current site specific provision allowing parking to be calculated at 1 space / 28sq.m of leasable floor area, to be carried over into the new ZBL. Similar to item #2 above, this would avoid having to apply for a Minor Variance should any modifications be proposed to the site.

Thanks again for effort on this. I'd be more than happy to discuss or expand upon these comments further, if you'd like.

Regards,

Michael Lipkus MES MCIP RPP

IBI Group
[REDACTED]
[REDACTED]



R.G. Richards & Associates

October 29th, 2013

Joe Nethery
Manager, Zoning By-Law Project
Planning Services
Town of Oakville
905-845-6601 ext.3428

Dear Joe Nethery and the InZone Zoning By-Law team,

Re: Shoppes on Dundas: [REDACTED] Prince Michael Drive – Oakville InZone By-Law Concerns

R.G. Richards & Associates represents First Capital (Dundas and Prince Michael) Corporation, the owner of the Shoppes on Dundas Shopping Centre municipally known as [REDACTED] Prince Michael Drive in the Town of Oakville.

This letter is in response to the latest draft of the InZone Zoning By-Law released on June 18th, 2013. After a thorough review of the latest draft zoning bylaw and all Special Provisions, the following concerns have been noted:

1. A new zone standard has been introduced in the proposed by-law that restricts all Retail and Service Commercial Uses on a lot to 2,500 m². This new standard appears to make the Site non-conforming as the Site currently provides 5,373 m² of Retail and Service Commercial Uses. This new shopping centre site was recently redeveloped and the zoning bylaw should provide an exception for such sites to avoid non-compliance issues. It is recommended that a Special Provision should be introduced to exempt the Site from this restriction.
2. A maximum front yard setback from Dundas Street of 20.5 metres has been established in the proposed by-law, no maximum setback currently exists. While the Site appears to comply with the new setback requirements, the below must be confirmed.
 - a. The TD Canada Trust and Shoppers Drug Mart conform to the new maximum front yard setback. The commercial building along the south of the Site is more than 100 metres from the front lot line. The definition of Front Yard (below), especially the wording of 'any building', casts doubt on whether the front yard setback is satisfied through the TD and Shoppers Drug Mart or if all buildings must have a maximum setback of 20.5 metres. Confirmation would be appreciated.

Yard, Front *means a yard extending across the full width of the lot between the front lot line and any part of any building on the lot.*

Further comments may be forthcoming upon clarification of the above noted concerns. Feel free to contact us if you have any questions or comments.





R.G. Richards & Associates

Sincerely,

A handwritten signature in black ink that reads "Nick Michael". The signature is written in a cursive style with a horizontal line underneath the name.

Nick Michael M.PL
Associate



Joe Nethery

From: Joe Nethery
Sent: Monday, February 10, 2014 9:03 PM
To: 'Nick Michael'
Cc: 'Romas Juknevičius'; 'Ron Richards'; Dana Anderson; Diane Childs; Denis Daoust; Joe Nethery
Subject: inZone: Shoppes on Dundas
Categories: v2.0 Inputs

Good evening Nick –

I'm going to reply to your email separately, one for each of the three letters. Regarding your letter of October 29, 2013, staff have the following reply for the Shoppes on Dundas property:

1. A new Special Provision 260 is included in the final draft (v3.0) providing the increased maximum floor area on the lot. This requires a corresponding amendment to the Livable Oakville Plan, which contains a designation-wide maximum of 2,500 square metres.
2. Additionally within the Special Provision, an increased maximum front yard of 20.5 metres is included.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Nick Michael [REDACTED]
Sent: Wednesday, October 30, 2013 9:47 AM
To: Joe Nethery
Cc: Romas Juknevičius; Ron Richards
Subject: RE: inZone question

Hello Joe,

APPENDIX C

As per our previous discussion regarding the Town of Oakville's Zoning By-Law review, please see attached three letters of concern from our client, First Capital Realty. We would like these letters on file as the review moves forward and would appreciate a review of the concerns found within.

Please do not hesitate to contact me should you have any questions or require anything further from me.

Thanks,

Nick Michael, M.PL
Associate

R.G. Richards & Associates



From: Joe Nethery [<mailto:JoeNethery@oakville.ca>]
Sent: April-23-13 4:48 PM
To: 'Nick'
Cc: Diane Childs; Matt Rubic
Subject: RE: inZone question

Good afternoon Nick –

Sorry for the delay, I was away sick yesterday and I had to get up to speed on the plaza history.

Lakeshore Road is the front lot line for these projects. Yards are the depth of the lot measured from lot line to the closest point of the building or structure. Ergo, your interpretation is correct. As the draft ZBL is currently structured the plaza building would become legal non-conforming. Any new development on site would need to conform to the new standards, but changes in use should not be an issue.

Let me know if you have any further questions or comments –

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services
Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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From: Nick [REDACTED]
Sent: Monday, April 22, 2013 4:11 PM
To: Joe Nethery
Subject: Re: inZone question



R.G. Richards & Associates

October 29th, 2013

Joe Nethery
Manager, Zoning By-Law Project
Planning Services
Town of Oakville
905-845-6601 ext.3428

Dear Joe Nethery and the InZone Zoning By-Law team,

Re: Maple Grove Village Shopping Centre: [REDACTED] Maple Grove Drive – Oakville InZone By-Law Concerns

R.G. Richards & Associates represents SPREIT Oakville Ltd. (First Capital Realty), the owner of the Maple Grove Village Shopping Centre municipally known as [REDACTED] Maple Grove Drive in the Town of Oakville. This Site includes the recently constructed Pharma Plus ([REDACTED] Maple Grove Drive) and Sobeys expansion ([REDACTED] Maple Grove Drive).

This letter is in response to the latest draft of the InZone Zoning By-Law released on June 18th, 2013. After a thorough review of the latest draft and all Special Provisions, the following concerns have been noted:

1. Special Provision 775, which was created to amend the zone standards of current Zoning By-Law 1984-63 to allow the construction of the Pharma Plus building at [REDACTED] Maple Grove Drive, has not been carried forward. Since this parcel remains a separate lot from the Maple Grove Village shopping centre, the Site does not conform to the general zone standards of the C2 Zone, most notably the minimum lot area of 4.0 hectares. All setback and minimum lot area requirements of Special Provision 775 should be carried forward in the new by-law to avoid non-compliance issues.
2. A maximum front yard setback of 20.5 metres has been established in the proposed by-law, no maximum setback currently exists. While the Site appears to comply with the new setback requirements, the below must be confirmed.
 - a. While the Pharma Plus appears to conform to the new maximum front yard setback from Maple Grove Drive, Tim Horton's and the main commercial spine along the south of the Site are more than 50 metres from the front lot line. This is due to the fact that First Capital does not own the Petro Canada located on the southwest corner of the Site, which occupies a significant portion of the frontage along Maple Grove Drive. The definition of Front Yard (below), especially the wording of 'any building', casts doubt on whether the front yard setback is satisfied or if all buildings must have a maximum setback of 20.5 metres. Confirmation would be appreciated.

Yard, Front *means a yard extending across the full width of the lot between the front lot line and any part of any building on the lot.*





R.G. Richards & Associates

Further comments may be forthcoming upon clarification of the above noted concerns. Feel free to contact us if you have any questions or comments.

Sincerely,

A handwritten signature in black ink that reads "Nick Michael". The signature is written in a cursive style with a horizontal line underneath the name.

Nick Michael M.PL
Associate



Joe Nethery

From: Joe Nethery
Sent: Monday, February 10, 2014 9:03 PM
To: 'Nick Michael'
Cc: 'Romas Juknevičius'; 'Ron Richards'; Dana Anderson; Diane Childs; Denis Daoust; Joe Nethery
Subject: inZone: Maplegrove Village
Categories: v2.0 Inputs

Good evening Nick –

I'm going to reply to your email separately, one for each of the three letters. Regarding your letter of October 29, 2013, staff have the following reply for the Maplegrove Village property:

1. A footnote to Table 9.3 is included in the applying Community Commercial C2 Zone treating multiple contiguous lots within the zone to be one lot for zoning purposes. Yards and lot size requirements would apply across the entire block.
2. A revised main wall proportionality regulation is contained in Section 9.4 only requiring compliance with the regulation for new buildings and not additions to buildings legally existing on the effective date of this By-law. Relief can be considered through a minor variance or zoning by-law amendment.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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From: Nick Michael [REDACTED]
Sent: Wednesday, October 30, 2013 9:47 AM
To: Joe Nethery
Cc: Romas Juknevičius; Ron Richards
Subject: RE: inZone question



R.G. Richards & Associates

October 29th, 2013

Joe Nethery
Manager, Zoning By-Law Project
Planning Services
Town of Oakville
905-845-6601 ext.3428

Dear Joe Nethery and the InZone Zoning By-Law team,

Re: [REDACTED] Lakeshore Road West – Oakville InZone By-Law Concerns

R.G. Richards & Associates represents FCHT Holdings (Ontario) Corporation, the owner of the shopping centre municipally known as [REDACTED] Lakeshore Road West in the Town of Oakville.

This letter is in response to the latest draft of the InZone Zoning By-Law released on June 18th, 2013. After a thorough review of the latest draft and all Special Provisions, the following concerns have been noted:

1. A new condition that restricts the maximum floor area of individual units to 350 m² has been established for the following uses:
 - a. Retail Store; Commercial School; Financial Institution; Personal Service Establishment; Printing and Publishing Establishment; Restaurant; Commercial School; Sports Facility; Taxi Dispatch; Business Office; Medical Office.

Retail space within the shopping centre, as per the approved Site Plan, slightly exceeds this cap. We would appreciate this cap be lifted from the Site which received site plan approval on January 26th, 2012 or an exception made to avoid creating a non-compliant Site.

2. A maximum front yard setback of 3 metres has been established in the proposed by-law, no maximum setback currently exists. The Site does not appear to conform to this new development standard. It is recommended an exception be granted to avoid creating a non-compliant Site.
3. A Maximum Parking Requirement has been established on Site, no parking maximum currently exists. The current supply of parking is higher than the proposed maximum of 110% of the minimum number of parking spaces (calculated at a rate of 1 space per 35 m² of leasable floor area). It is recommended an exception be granted to avoid creating a non-compliant Site.

Further comments may be forthcoming upon clarification of the above noted concerns. Feel free to contact us if you have any questions or comments.

[REDACTED]



R.G. Richards & Associates

Sincerely,

A handwritten signature in black ink that reads "Nick Michael". The signature is written in a cursive style with a horizontal line underneath the name.

Nick Michael M.PL
Associate



Joe Nethery

From: Joe Nethery
Sent: Monday, February 10, 2014 9:03 PM
To: 'Nick Michael'
Cc: 'Romas Juknevičius'; 'Ron Richards'; Dana Anderson; Diane Childs; Denis Daoust; Joe Nethery
Subject: inZone: Lakeshore Road West Properties
Categories: v2.0 Inputs

Good evening Nick –

I'm going to reply to your email separately, one for each of the three letters. Regarding your letter of October 29, 2013, staff have the following reply for the Lakeshore West property:

1. Staff are recommending raising the maximum premises size for uses on a first storey and have included a maximum of 1,400 square metres (just over 15,000 square feet) per premises on the first storey in the final draft (v3.0).
2. A revised main wall proportionality regulation is contained in Section 8.8 only requiring compliance with the regulation for new buildings and not additions to buildings legally existing on the effective date of this By-law. Relief can be considered through a minor variance or zoning by-law amendment.
3. Maximum parking space requirements are recommended to be deleted in the final draft (v3.0).

Please also be advised that the staff are anticipating on undertaking "Growth Area Check-ins" scheduled as part of our Long Range Planning section's work program over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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From: Nick Michael [REDACTED]
Sent: Wednesday, October 30, 2013 9:47 AM
To: Joe Nethery
Cc: Romas Juknevičius; Ron Richards
Subject: RE: inZone question

Joe Nethery

From: Stephen Gardiner [REDACTED]
Sent: Wednesday, October 30, 2013 12:31 PM
To: Cathie Best; TownClerk
Cc: Joe Nethery
Subject: Town of Oakville Draft Zoning By-law - Commenting Letter on Second Draft of By-law
Attachments: Oct 30 13 - Lakeshore Group Commenting Letter - Draft Town of Oakville Zoning By-law.pdf

Categories: v2.0 Inputs



Good afternoon Ms. Best

Please find attached a letter on behalf of our clients regarding the draft Zoning By-law which is the subject of a Statutory Public Meeting on Monday. Please distribute the attached letter to Mayor Burton and the members of Council prior to Monday's meeting.

Regards,

Stephen Gardiner MCIP, RPP
Manager
The Lakeshore Group
[REDACTED]



LAKESHORE GROUP

October 30, 2013

VIA EMAIL joenethery@oakville.ca

Mr. Joe Nethery
Manager, Zoning By-law Project
Planning Services
Town of Oakville Municipal Offices
1225 Trafalgar Road
Oakville, ON L6H 0H3

Dear Mr. Nethery:

RE: Oakville inZone Draft Zoning By-law – Proposed Parking Regulation 5.1.7

We are the land use planning consultants for NorthWest Healthcare Properties ("NorthWest"), owners of the medical office building at [REDACTED] Trafalgar Road.

We previously commented on the "First Draft (v1.0) of the 2014 Zoning By-law" on August 13, 2013 with regards to the proposed changes to Town parking standards and whether paid parking is permitted. We have now reviewed the updated "Second Draft (v2.0) of the 2014 Zoning By-law" dated September 18, 2013. In addition to the draft By-law's, we have reviewed the Technical Paper: Parking and Loading Standards dated February 4, 2013; the "Technical Paper: Parking and Loading Standards" prepared by Cole Engineering on behalf of the Town; the 2012 Transportation Master Plan entitled "Switching Gears"; and, the Planning Staff Report dated September 16, 2013 with respect to the changes made between the first and second draft of the by-law.

Based on our review of the latest draft of the by-law and the supporting reports, we wish to provide further comment respecting the proposed regulations as they relate to paid parking.

PAID PARKING TO BE ALLOWED IN SOME ZONES AND NOT OTHERS

The current in-force Zoning By-law states the following with regard to paid parking in non-residential zones:

No charge may be made for parking and such parking shall be open to members of the public while using the premises

Paid parking is currently permitted within residential zones in the By-law.

The First Draft (v1.0) of the proposed draft By-law stated the following with regard to paid parking in non-residential zones:



No charge shall be made for parking spaces in the Neighbourhood Commercial C1 and Community Commercial C2 Zones.

Following the public comment period on the first draft by the proposed Zoning By-law, the "Second Draft (v2.0) of the 2014 Zoning By-law" which was released on September 18, 2013 states the following with regards to paid parking:

No charge shall be made for parking spaces in any Zone except for a lot in any Mixed Use Zone.

The Second Draft proposes a more restrictive provision than either the current in-force Zoning By-law or the First Draft of the proposed Zoning By-law. Appendix A to the staff report on the Second Draft states that as staff had decided to remove or relax proposed restrictions on surface parking areas that:

...staff are proposing to restore the paid parking prohibition to all zones located outside of the Growth Areas. These are areas where only minor infill and intensification are contemplated in the Livable Oakville Plan.

This latest staff position does not appear to have any justification or land use planning basis. There has been no new information or background study prepared between the first and second drafts of the by-law to indicate that there is a demonstrated need to ban charging for parking within the Town of Oakville.

Paid Parking Is Not a Land Use Planning Matter to be Regulated Through a Zoning By-law

Section 2 of The Planning Act requires municipalities to "*have regard to, among other matters, matters of Provincial Interest*" and goes on to list 18 items which they must consider. Of these, item N states that "*the resolution of planning conflicts involving public and private interests*" is a matter of Provincial Interest. The regulation of paid parking is however not a matter of public and private interest conflicting, but a matter of two private financial interests. Paid parking is a relationship between site owners and patrons of the site. The decision to institute paid parking across the Province is one allowed to be made by the site's owner based on their needs. The fact that there are more patrons of a site than site owners does not make the formers' interests a public planning interest. The issue which should be addressed through the Zoning By-law is the appropriate amount of parking to be provided for a site, and ensuring that parking lots are designed in a functional manner. Whether the parking is "free" to customers of the site and paid for by the owner/tenants, or directly charged to the customer is not a Land Use Planning Issue, but a financial issue, and is outside the scope of a Municipal By-law to regulate.

Allowing Paid Parking Supports Public Transit Use

The proposed prohibition outside of Mixed Use Zones results in paid parking being prohibited at sites which are located along public transit routes. Under the latest draft By-law, a Medical Office building located in the central core of Oakville would be permitted to charge for parking, while a Medical Office building in a C1 zone on a major transit corridor would not be permitted to charge for parking. Both uses are well served by public transit, however one would not be permitted to support the Town's own



conclusion that charging for parking can be used as a means to encourage transit ridership as indicated by the draft By-law's supporting studies. The Town's February 2013 Planning Staff background paper states that a principal basis for the change in paid parking restrictions is that *"Paid parking can assist with intensification objectives and can encourage employees/patrons to consider alternative modes of travel to their destination."* A report released on October 28, 2013 by the Sustainable Priority research group at the University of Ottawa identifies "Free Parking" as a major disincentive to increased public transportation use. This conclusion is consistent with the discussion on paid parking contained within the "Technical Paper: Parking and Loading Standards" prepared by Cole Engineering for the Town. In our opinion, it is clear that a blanket ban on charging for parking outside of the identified growth areas as is proposed in the second draft of the Zoning By-law would be in direct opposition to the goal of promoting transit use. Given the foregoing, from a land use planning perspective, it makes no sense to prohibit paid parking on sites located along major arterial and collector roads in locations where there is existing public transit service.

CONCLUDING COMMENT & RECOMMENDATION

NorthWest's site, which is proposed to be zoned C1 in the draft by-law and is located along a major transit route, will not be permitted to charge for parking. This is inequitable and unjustifiable as NorthWest's site is treated differently than other sites permitted to have medical office buildings, furthermore, NorthWest's site is supported by public transit (a bus stop is at the property boundary). Their desire to charge for the use of their parking spaces is consistent with the Town's own consultants which have concluded that charging for parking can be used to change transportation behavior patterns. As previously noted, the decision whether or not to charge for parking is a landlord's private business decision. It is not within the scope or the purpose of the land use planning regime in Ontario to restrict landowner financial decisions. The proposed change to paid parking provisions is simply not justifiable on land use planning grounds and is not supported by the By-laws background transportation studies.

Given the foregoing, we request that NorthWest's site be permitted to institute paid parking and/or that the Town of Oakville eliminate the restriction on paid parking overall.

Should you have any questions, please feel free to call me at (416) 364-5926.

Sincerely,
THE LAKESHORE GROUP

Stephen Gardiner, M.C.I.P., R.P.P.
MANAGER

C.C.
MAYOR BURTON & MEMBERS OF COUNCIL
ERIC MIDVIDY, NORTHWEST
RICK PENNYCOOKE, LAKESHORE GROUP

November 1, 2013

via email: joenethery@oakville.ca

Corporation of the Town of Oakville
Planning Services Department
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Attention: Joe Nethery, Manager, Zoning By-law Project

Re: Comprehensive Zoning By-Law Review (inZone) – [REDACTED] Lakeshore Road West

Dear Joe,

We are writing to provide comments on behalf of Fernbrook Homes (Lakeshore) Limited with respect to the latest draft of the updated "inZone" Comprehensive Zoning By-law (September 18, 2013).

As you may be aware the existing zoning permits institutional (including churches and places of worship), private school, and day nursery uses in residential zones. Until earlier this year a church (Harvest Bible Chapel) was located on the subject lands.

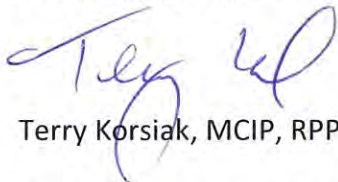
It has come to our attention that under the proposed Zoning By-law institutional uses are no longer permitted within residential zones.

We would like to request an amendment to the proposed zoning to carry forward the currently permitted institutional, private school, and day nursery uses.

We appreciate the opportunity to provide comments on the latest draft of the updated By-law. Please feel free to contact me if you have any questions.

Regards,

KORSIAK & COMPANY



Terry Korsiak, MCIP, RPP

Copy: John Krpan, Fernbrook Homes (Lakeshore) Limited

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 7:16 PM
To: 'martin [REDACTED]'
Cc: 'Terry Korsiak'; Dana Anderson; Diane Childs; Denis Daoust; Joe Nethery
Subject: RE: inZone Comments - [REDACTED] Lakeshore Road West

Categories: v2.0 Inputs

Good evening Martin (in lieu of Catherine) –

Staff have the following reply to your letter of November 1, 2013 re: [REDACTED] Lakeshore Road West. The staff recommendation since the first draft (v1.0) has been to place community uses into a zone specific to those uses. With the lands now being vacant, staff have recommended carrying forward the existing residential zoning – translated as Residential Low RL1-0 and RL2-0 – into the 2014 Zoning By-law. Similarly, sites with existing community uses have been placed in a Community Use CU Zone.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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From: Catherine McEwan [REDACTED]
Sent: Friday, November 01, 2013 3:06 PM
To: Joe Nethery
Cc: Terry Korsiak
Subject: inZone Comments - [REDACTED] Lakeshore Road West

Hi Joe,

On behalf of Fernbrook Homes (Lakeshore) Limited, attached please find a letter outlining comments with respect to the latest draft of the updated “inZone” Comprehensive Zoning By-law.

Please feel free to contact Terry Korsiak [REDACTED] should you have any questions or require any additional information.

Regards,

November 1, 2013

via email: joenethery@oakville.ca

Corporation of the Town of Oakville
Planning Services Department
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Attention: Joe Nethery, Manager, Zoning By-law Project

Re: Comprehensive Zoning By-Law Review (inZone) – [REDACTED] Bronte Road

Dear Joe,

We are writing to provide comments on behalf of Pioneer Energy Management Inc. with respect to the latest draft of the updated "inZone" Comprehensive Zoning By-law (September 18, 2013).

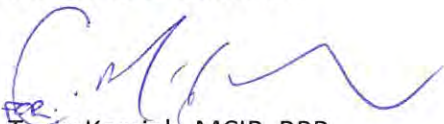
Pioneer has an existing motor vehicle service station located at [REDACTED] Bronte Road. The site is zoned "T1(391)". A motor vehicle service station is not permitted under the current zoning and is a legal non-conforming use.

The proposed zone category for the subject lands under the "inZone" By-law is "E2-3". The proposed zoning does not permit a "motor vehicle service station", "drive-through facility", or "restaurant". We would like to request an amendment to the proposed zoning to maintain a site specific zone category for the subject site that includes these uses, and maintains the site specific setbacks that are currently included in the "T1(391)" zone.

We appreciate the opportunity to provide comments on the latest draft of the updated By-law. Please feel free to contact me if you have any questions.

Regards,

KORSIAK & COMPANY


Terry Korsiak, MCIP, RPP

Copy: Dave MacFarland/Janet Paul, Pioneer Petroleums Management Inc.

Joe Nethery

From: Joe Nethery
Sent: Tuesday, February 11, 2014 10:22 AM
To: 'martin' [REDACTED]
Cc: 'Janet Paul'; 'Terry Korsiak' [REDACTED] Dana Anderson; Diane Childs; Denis Daoust; Joe Nethery
Subject: RE: inZone Comments - [REDACTED] Bronte Road
Categories: v2.0 Inputs

Good morning Martin (in lieu of Catherine) –

Staff have the following reply to your letter of November 1, 2013 re: [REDACTED] Bronte Road. The motor vehicle service station is not a permitted use within the Business Employment designation of the Livable Oakville Plan. A zoning by-law cannot be more permissive than the official plan it implements, therefore staff cannot recommend adding the use as permitted.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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From: Catherine McEwan [REDACTED]
Sent: Friday, November 01, 2013 3:11 PM
To: Joe Nethery
Cc: Janet Paul
Subject: inZone Comments - [REDACTED] Bronte Road & [REDACTED] Lakeshore Road West

Hi Joe,

On behalf of Pioneer Energy Management Inc., attached please find 2 letters outlining comments with respect to the latest draft of the updated “inZone” Comprehensive Zoning By-law.

APPENDIX C

Please feel free to contact Terry Korsiak [REDACTED] should you have any questions or require any additional information.

Regards,

Catherine

Catherine McEwan
Korsiak & Company Ltd, Land Use Planners
[REDACTED]

November 1, 2013

via email: joenethery@oakville.ca

Corporation of the Town of Oakville
Planning Services Department
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Attention: Joe Nethery, Manager, Zoning By-law Project

Re: Comprehensive Zoning By-Law Review (inZone) – [REDACTED] Lakeshore Road

Dear Joe,

We are writing to provide comments on behalf of Pioneer Energy Management Inc. with respect to the latest draft of the updated "inZone" Comprehensive Zoning By-law (September 18, 2013).

Pioneer has an existing motor vehicle service station located at 2451 Lakeshore Road. The site is currently zoned Commercial "C6", which permits a motor vehicle service station. It has come to our attention that under the proposed Zoning By-law the zoning has been changed to an Existing Development "ED" zone.

We would like to request an amendment to the proposed zoning to change the proposed zone category from an "ED" zone to a "C4" zone to continue to permit a motor vehicle service station.

We appreciate the opportunity to provide comments on the latest draft of the updated By-law. Please feel free to contact me if you have any questions.

Regards,

KORSIAK & COMPANY



For:
Terry Korsiak, MCIP, RPP

Copy: Dave MacFarland/Janet Paul, Pioneer Petroleums Management Inc.

Joe Nethery

From: Joe Nethery
Sent: Tuesday, February 11, 2014 10:23 AM
To: 'martin' [REDACTED]
Cc: 'Janet Paul'; 'Terry Korsiak' [REDACTED] Dana Anderson; Diane Childs; Denis Daoust; Joe Nethery
Subject: RE: inZone Comments - 2451 Lakeshore Road West
Categories: v2.0 Inputs

Good morning Martin (in lieu of Catherine) –

Staff have the following reply to your letter of November 1, 2013 re: [REDACTED] Lakeshore Road. The motor vehicle service station is permitted as a “legal existing use of land” in the Existing Development ED Zone in the final draft (v3.0). The ED zoning will require a zoning by-law amendment that ensures appropriate environmental remediation occurs to a standard that permits the planned commercial and mixed use of the lot.

Please also be advised that the staff are anticipating on undertaking “Growth Area Check-ins” scheduled as part of our Long Range Planning section’s work program over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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From: Catherine McEwan [REDACTED]
Sent: Friday, November 01, 2013 3:11 PM
To: Joe Nethery
Cc: Janet Paul
Subject: inZone Comments - [REDACTED] Bronte Road & [REDACTED] Lakeshore Road West

Hi Joe,

On behalf of Pioneer Energy Management Inc., attached please find 2 letters outlining comments with respect to the latest draft of the updated “inZone” Comprehensive Zoning By-law.

APPENDIX C

Please feel free to contact Terry Korsiak [REDACTED] should you have any questions or require any additional information.

Regards,

Catherine

Catherine McEwan
Korsiak & Company Ltd, Land Use Planners
[REDACTED]

Joe Nethery

From: Joe Nethery
Sent: Tuesday, February 11, 2014 10:32 AM
To: 'Jeff McFarlane'
Cc: 'Colley, David'; Joe Nethery
Subject: RE: InZone Project Written Submission for Public meeting November 4th 2013

Categories: v2.0 Inputs

Good morning Mr. McFarlane –

Just to follow-up on your November submission, the following recommendation in the final draft (v3.0) of the 2014 Zoning By-law is to permit the following additional uses in the Office Employment E1 Zone:

- Manufacturing (renamed from “industrial use”), repair shop, warehousing, and food production, but only on lots where the use legally exists on the effective date of this By-law. The interpretation of this language would allow for expansions of current uses and the establishment of new tenancies on those lots.
- Accessory retail store and showroom, to a maximum net floor area of the lesser of 15% or 200 square metres of net floor area. This matches the current proposed permission for the Business Employment E2 and Industrial E3 Zones and gives effect to the additional uses proposed above. The main “retail store” permission of up to 20% of net floor area would remain additionally permitted.
- Contractors establishment (as a light industrial use), private school, and food bank (as community uses) as-of-right without additional regulations.
- Sports facility, limited to a maximum net floor area of 1,000.0 square metres net floor area on any lot within 100.0 metres of a residential zone. This matches the current Zoning By-law 1984-63, as amended, permission.

Please also be advised that the staff are anticipating on undertaking “Growth Area Check-ins” scheduled as part of our Long Range Planning section’s work program over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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From: Joe Nethery
Sent: Sunday, November 03, 2013 9:16 PM
To: 'Jeff McFarlane'
Cc: 'Colley, David'; Joe Nethery
Subject: RE: InZone Project Written Submission for Public meeting November 4th 2013

Good evening Mr. McFarlane –

Thank you for your submission on the inZone project. I have added your email to the correspondence package being presented to Council on Monday evening.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services
Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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From: Jeff McFarlane [REDACTED]
Sent: Friday, November 01, 2013 4:31 PM
To: Joe Nethery
Cc: 'Colley, David'
Subject: InZone Project Written Submission for Public meeting November 4th 2013

Mr. Nethery,

The InZone project has recently come to my attention and in reviewing the proposed Zoning Re-Designation as a business owner I have grave concern about this and seriously object to the proposed E1 designation for [REDACTED] Sheridan Garden Drive.

I purchased this property in January of 2008 to support our growing global operations and as a meaningful personal investment. The business I started in 1996 is the sole tenant of the property and we have been in the Oakville community since inception.

On the premises, we maintain the back office operations for our global business and manage the distribution and rental businesses we operate for computer products.

This location has served us very well for the past 5+ years. The proposed E1 – Office Employment designation is grossly inaccurate in capturing the current and future use of our property and those of the neighbouring businesses on this street. From our review of the by-law it appears that E1 is strongly geared towards operations where the principal use is for office work. The principal use of our land is most accurately described as Warehousing/Wholesaling with accessory office supporting the principal use. Therefore a designation of E2 would be much more accurate in capturing the land use per the by-law description of allowable uses. It reflects the fact that we are warehousing, storage, computer refurbishing and office space. E1 doesn't accurately address the use of the land here.

In addition, an E1 designation will have a big impact on any expansion or changes we may need to make to our facility, and I fear that in the future this may have a materially negatively financial impact. I invested in a property that was T1

APPENDIX C

for the very reason that it gave me the flexibility to have the facility evolve with our business and a reclassification to E1 is an act of bad faith after making such a substantial investment in the Town of Oakville.

Lastly I feel this change will negatively impact the property value, should I ever need to re-locate. The scope of business activity that could be conducted here is much narrower under the E1 designation and will severely limit potential buyers because the physical built form which currently exists is geared towards T1/E2 uses. This property represents my single largest asset and the impact could be substantial.

It is with this that I implore the town to re-evaluate the E1 designation and look to make an E2 designation on Sheridan Garden Drive, before the passing of the by-law.

Please confirm receipt of this email and also confirm that it will be included for review by the members of council at the public meeting on November 4th, 2013

Regards,

Jeff McFarlane



Joe Nethery

From: Joe Nethery
Sent: Tuesday, December 10, 2013 5:21 PM
To: [REDACTED]
Cc: Dana Anderson; Diane Childs; Denis Daoust; Charles McConnell; Joe Nethery
Subject: RE: [REDACTED] Advance Road, Oakville

Categories: v2.0 Inputs

Good evening Mr. Winn –

Thank you for your submission on the Town's Zoning By-law Review.

Four of the permissions listed in your email (medical office, hotel, public hall, motor vehicle dealership) were all deleted in the adoption of the Livable Oakville Plan, adopted by Council on June 22, 2009 and approved with modifications by the Ontario Municipal Board on May 10, 2011. The Employment Lands Review identified all of Advance Road as being appropriate for industrial uses. Four of the uses cited are cited as permitted uses in other designations of the Livable Oakville Plan:

- Medical office: office uses are permitted in mixed use, commercial, and the other three employment designations. The corresponding inZone conformity Official Plan Amendment does propose permitting office uses in certain Industrial-designated areas (i.e. Bronte GO Station area, Winston Park employment area);
- Hotel, public hall: permitted in the Office Employment and Business Employment designations;
- Motor vehicle dealership: this was reviewed as part of the Automobile Related Uses Study, a subset of the inZone project received by the inZone subcommittee on October 22, 2012. The study did not recommend permitting motor vehicle dealerships on any lands designated Industrial.

Staff cannot recommend continuing these use permissions forward into the 2014 Zoning By-law as they do not conform to the policies of the Livable Oakville Plan.

With respect to commercial self-storage facilities, staff have further reviewed the issue and believe the use would be permitted on lands designated Industrial as a form of "warehousing." Accordingly, staff will propose permitting the use as-of-right in the final draft (v3.0) of the 2014 Zoning By-law.

With respect to project timing, a number of changes will be made to the draft zoning based on continued staff review and public input received over the remainder of 2013. Please continue to follow the inZone project as we move toward Council's passing of the By-law tentatively scheduled for February 10, 2014. I have added you to the inZone project mailing list and your submission and this reply to the correspondence package forming part of the next staff report.

If you have any further questions, please do not hesitate to contact me.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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From: Stacey Winn [REDACTED]
Sent: Sunday, November 03, 2013 3:16 PM
To: Joe Nethery
Cc: [REDACTED]
Subject: [REDACTED] Advance Road, Oakville

Sent on behalf of Robert Winn

Yellow Cedar Holdings Ltd.

[REDACTED] Shelburne Place

Oakville, ON

L6L [REDACTED]
[REDACTED]

Nov 3, 2013

Att: Joe Nethery
Re: [REDACTED] Advance Rd., Oakville

Dear Sir,

I have been given a copy of your proposed "In Zone" draft.

I strongly object to the loss of use that I currently have. To be specific, the right to use the property for:

- 1) Medical Office
- 2) Commercial, Self Storage
- 3) Hotel
- 4) Public Hall
- 5) Motor Vehicle Dealership

These rights if removed will adversely affect the value of the property and my right to engage in the above activities.

Yours Truly,

Robert P. Winn

APPENDIX C

Insert date here

Nov 4 2013

Attn: Mr. Joe Nethery, Manager, InZone Bylaw Project
Planning Services

JoeNethery@oakville.ca

Corporation of the Town of Oakville

1225 Trafalgar Road
Oakville, ON L6H 0H3

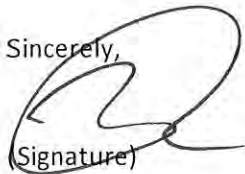
RE: By-law – 2014 Zoning By-law (inZone Project)

I *Guendres* (PRINT name of person) of _____ (name of organization)

Owning property at *133 TOWERS* (full address and *Oakville*
postal code) *L6L 3E7*

wish to state for the record that I am opposed to the proposed bylaw changes for my property at the above address, and request adequate time in the weeks ahead in which to review all of the information with Town Planning staff prior to any approvals being made by the Town with respect to these proposed bylaw changes related to my property.

Sincerely,



(Signature)

cc. Councillor R. Robinson – Ward 1 – Corporation of the Town of Oakville - rrobinson@oakville.ca
Councillor A. Johnston – Halton Region and Ward 1 Councillor - ajohnston@oakville.ca
Mayor Rob Burton – Corporation of the Town Of Oakville – mayor@oakville.ca

APPENDIX C

Insert date here

Nov 4 2013

Attn: Mr. Joe Nethery, Manager, InZone Bylaw Project
Planning Services

JoeNethery@oakville.ca

Corporation of the Town of Oakville

1225 Trafalgar Road
Oakville, ON L6H 0H3

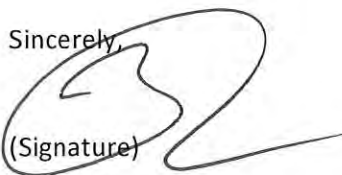
RE: By-law – 2014 Zoning By-law (inZone Project)

I BARRY REED (PRINT name of person) of Kimber Development (name of organization)

Owning property at 119 Jones St (full address and Oakville
postal code) L6L 3E7

wish to state for the record that I am opposed to the proposed bylaw changes for my property at the above address, and request adequate time in the weeks ahead in which to review all of the information with Town Planning staff prior to any approvals being made by the Town with respect to these proposed bylaw changes related to my property.

Sincerely,


(Signature)

cc. Councillor R. Robinson – Ward 1 – Corporation of the Town of Oakville - rrobinson@oakville.ca
Councillor A. Johnston – Halton Region and Ward 1 Councillor - ajohnston@oakville.ca
Mayor Rob Burton – Corporation of the Town Of Oakville – mayor@oakville.ca

APPENDIX C

Insert date here

Nov 4 2013

Attn: Mr. Joe Nethery, Manager, InZone Bylaw Project
Planning Services

JoeNethery@oakville.ca

Corporation of the Town of Oakville

1225 Trafalgar Road
Oakville, ON L6H 0H3

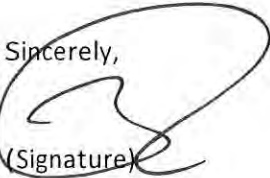
RE: By-law – 2014 Zoning By-law (inZone Project)

I, GARY REED (PRINT name of person) of Kimber Development Ltd (name of organization)

Owning property at 2347 Lakeshore Rd West (full address and city of Oakville
postal code) L6L 1H4

wish to state for the record that I am opposed to the proposed bylaw changes for my property at the above address, and request adequate time in the weeks ahead in which to review all of the information with Town Planning staff prior to any approvals being made by the Town with respect to these proposed bylaw changes related to my property.

Sincerely,



(Signature)

cc. Councillor R. Robinson – Ward 1 – Corporation of the Town of Oakville - rrobinson@oakville.ca
Councillor A. Johnston – Halton Region and Ward 1 Councillor - ajohnston@oakville.ca
Mayor Rob Burton – Corporation of the Town Of Oakville – mayor@oakville.ca

APPENDIX C

The Corporation of the Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

November 4, 2013

Attention: Cathie Best, Town Clerk

Dear Ms. Best:

**Re: Zoning By-law Review - Silwell Developments Limited, Pouncet Main Street Inc.,
Pouncet Main Street II Inc.**

Please be advised that we act for the above landowners with respect to their various land holdings in Oakville's Uptown Core.

The subject lands owned by our client are all zoned in one of the various Mixed Use Zones set out in the Town's proposed Zoning By-law, including both blocks of lands which have been approved for development and other blocks of land that will be the subject of future planning and development applications.

Over the past year, we have met with Town Planning Staff on several occasions and have sent correspondence including a letter dated July 16, 2013 (copy attached) and various E mail messages seeking clarification and expressing concerns as it relates to the Town's Zoning By-law Review now in its second draft (v2.0).

With respect to some of the matters discussed, we believe there was mutual agreement in terms of the draft Zoning By-law's interpretation and how it addresses our client's development plans.

There are however other outstanding issues that our client believes needs to be addressed by the Town prior to Town Council's adoption of the proposed new Zoning By-law.

For example:

Section 8.2 Permitted Uses for Mixed Use Zones contains a Table of Permitted Uses and additional regulations for those Permitted Uses. Our client's concerns centre on Additional Regulation 7 which states: *"Shall have a maximum floor area of 500.0 square metres for the portion of the premises located on the first storey."*

In past meetings with staff and in our correspondence to the Town Planning and Development staff we have indicated that a maximum of 500 square metres for commercial ground floor units was too small and would not give our client the flexibility they needed to successful lease ground

APPENDIX C

floor to commercial tenants whether retail, service commercial or office type tenants.

It is our request that the Town of Oakville instead provide an upward larger range of sizes in the Zoning By-law so that our client can successfully lease out space to tenants of any size as they proceed in the future to develop their respective blocks of land.

We also need to ensure that developments already approved by the Town of Oakville and constructed by our client will continue to conform to the Town's proposed new Zoning By-law when adopted by Town Council and not be put into a nonconformity zoning status.

We ask that Town Council give further consideration to the concerns raised above and instruct Town staff to meet with us to resolve these remaining issues in a manner that will give our client the flexibility needed to design, plan and construct out its remaining landholdings in Oakville's Uptown Core.

Thank you for your consideration, we look forward to a resolution of these issues.

Yours Truly,

MACAULAY SHIOMI HOWSON LTD.

Per: Chris Stoyanovich, MCIP, RPP Senior Associate

cc: Scott Zavaros, Silwell Development Ltd.

The Corporation of the Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

July 16, 2013

Attn: Joe Nethery, MCIP, RPP

Dear Mr. Nethery:

Re: Zoning By-law Review – Silwell Development Ltd.

When we last met on June 18, 2013 there were a number of discussion points raised by Scott Zavaros and I with respect to the Town's Zoning By-law Review in terms of possible impacts on my client's company's landholdings in Oakville's Uptown Core. While some of the issues are minor in nature, there are others that will impact my client or at the very least reduce considerably the flexibility that they will need in the future to develop their respective landholdings block by block.

The summary below represents the discussion points raised at our meeting with Town Planning Staff. With respect to some of the matters discussed, we believe there was mutual agreement in terms of the draft Zoning By-law's interpretation and how it addresses our client's development plans.

There are however other outstanding issues that the Town's Planning Services Department can provide further input and interpretation into how the respective draft Zoning By-law provisions will be interpreted or revised to address our client's concerns.

Meeting Summary:

- Removal of Holding provisions for servicing from the remaining Silwell blocks to be considered by Town Staff. It was noted that the Zoning By-law has Holding provisions on some blocks of land owned by Silwell Developments but not on others even though the overall servicing allocation question has been resolved.
- Single Purpose Buildings permitted subject to the residential restrictions in Section 9.2.3(a) which requires residential living place to be setback back 9 metres from the main front wall of the building. Special Provision 38 allows residential townhouses at grade along Hays Blvd., Millwood Drive and Post Road so Joe Nethery to build exemption into Section 9.2.3 (a) above.
- It is our interpretation that the draft Zoning By-law should allow Silwell to construct only an office building or an office building with another commercial tenant occupying part of the first floor and all of the floors above. As well, it was agreed that the draft Zoning By-law will not contain any mixing formula requiring certain percentages of

residential or mixed uses in any specific block.

- The retail use maximum size restriction of 350 sq metres is too small and does not give Silwell the flexibility it will need to economically lease out space to prospective tenants. MSH Ltd. contacted CB Richard Ellis Commercial Real Estate Brokers who provided (see Attachment 1) a list of national commercial /retail tenants and the minimum space they would lease in new commercial or mixed use development projects. From this list, it is evident that most national tenants available to our client as prospective future tenants need more leasable space than the 350 sq. metres maximum set out in the Town's Draft Zoning By-law.

It is our request that the Town of Oakville instead provide a range of sizes in the Zoning By-law or eliminates the maximum limit entirely so that Silwell can successfully lease out space to single or multiple tenants of any size as they proceed in the future to develop their respective blocks of land.

- In terms of parking calculations the number of required parking spaces will be determined through use of Table 5.2 based on the use or uses and then Table 5.3 would be applied to find the adjusted minimum and maximum permitted spaces for respective development blocks in the Uptown Core. It was our understand as a result of discussions during our meeting with Town Staff that where Special Provisions are applied such as Special Provisions 38 and 40 that those provisions dealing with parking for residential and non-residential uses will take precedence over the provisions in Table 5.2 and 5.3.
- Town Staff would not agree to our request that future parking be reduced based on a future parking needs study. However they will consider the idea of a phased interim parking requirement for partially developed blocks. For example, the Site Plan drawing added to this letter as Attachment 2 illustrates how the large blocks of land on the north side of Oak Park Blvd west of Taunton Road have been built out in phases. In the future, this will occur again on our clients other landholdings. As such, it is our request that Planning Services Department staff will review this interim development condition and add wording to the draft Zoning By-law to recognize partially development blocks of land.
- It was agreed at our meeting with Town Planning Services staff that driveway access to be determined through site plan application process not through Zoning By-law provisions.
- Hotels prohibited by Official Plan in MU2 zones but allowed in MU3 and 4.
- No overall minimum landscaping requirement per block in the draft Zoning By-law. Other than Table 4.11 Required Widths of Landscaping by Zone which defines minimum landscape buffer strips between adjacent zones, the total landscape requirements will be determined through the site plan control process.

We ask that Town's Planning Services Department give further consideration to the concerns raised above and that we then meet again to resolve any remaining issues in a manner that will give our client the flexibility needed to design, plan and construct its remaining landholdings in Oakville's Uptown Core.

APPENDIX C

Yours Truly,

MACAULAY SHIOMI HOWSON LTD.

Per: Chris Stoyanovich, MCIP, RPP
Senior Associate

cc: Scott Zavaros, Silwell Development Ltd.
Angela Sciberras, MSH

Attachment 1

From: Amato, Paul @ [REDACTED] **Sent:** Wednesday, June 19, 2013 1:29 PM **To:** Chris Stoyanovich **Cc:** Balkos, Tom @ Toronto TN; Smith, Geoffrey @ Toronto North; Jackson, Matthew @ Toronto TN **Subject:** RE: Oakville Uptown Core

Hi Chris, sure Rabba is quite active, especially urban sites throughout the GTA, or even suburban sites that have great neighbourhood density .

There are also a few new entrants into the market, more ethnic players like:

- Adonis (Metro banner)
- Yummy Market (Russian independent)
- Nations (part of Oceans Fresh Group)
- Oceans Fresh Food Market
- Starsky's

Here's a list of some of the smaller food/grocery players, at < 20K:

- Rabba Fine Foods
- The Kitchen Table
- Fresh & Wild
- Valu-Mart
- Foodland
- Big Carrot
- Galati Market Fresh
- Cataldi Supermarket
- Sobey's Urban Express
- McEwan's
- Fiesta Farms

Paul Amato | Director, Retail Strategy & Business Development
CBRE Limited | [REDACTED]
[REDACTED]

From: Amato, Paul @ Toronto North [REDACTED] **Sent:** Wednesday, June 19, 2013 11:41 AM **To:** stoyanovich@mshplan.ca **Cc:** Balkos, Tom @ Toronto TN; Smith, Geoffrey @ Toronto North; Jackson, Matthew @ Toronto TN **Subject:** RE: Oakville Uptown Core

Hi Chris, here's a summary of the ideal square footages for a variety of national retailers.

Banks

CIBC – 6,100

RBC – 5,000

Restaurants

Bier Market – 8,000

East Side Mario's – 5,000

Fionn MacCool's Pubs – 5,000

Buffalo Wild Wings – 6,000

Cora's – 3,600

Il Fornello – 6,500

Joey's Restaurant – 6,500

Other Retailers

Dollar Tree – 8,000

Big Lots – 30,000

Corbeil Appliances – 7,000

Hand & Stone Spa – 2,200

Chatters Salon – 3,500

Marshalls – 34,000

Petsmart – 19,000

Winners – 23,000 to 40,000

Michael's – 21,000

Lazy-Boy – 17,000

Cabela's – 70,000

RONA's new proximity store – 20,000 to 52,000

RONA's new satellite store – 5,000 to 20,000

Hope this helps, and don't hesitate to reach out if you need anything further.

Regards,

Paul Amato | Director, Retail Strategy & Business Development
CBRE Limited | Retail Services Group



PHASE 3 - OPTION B

FULL BUILD-OUT - ALL COMMERCIAL

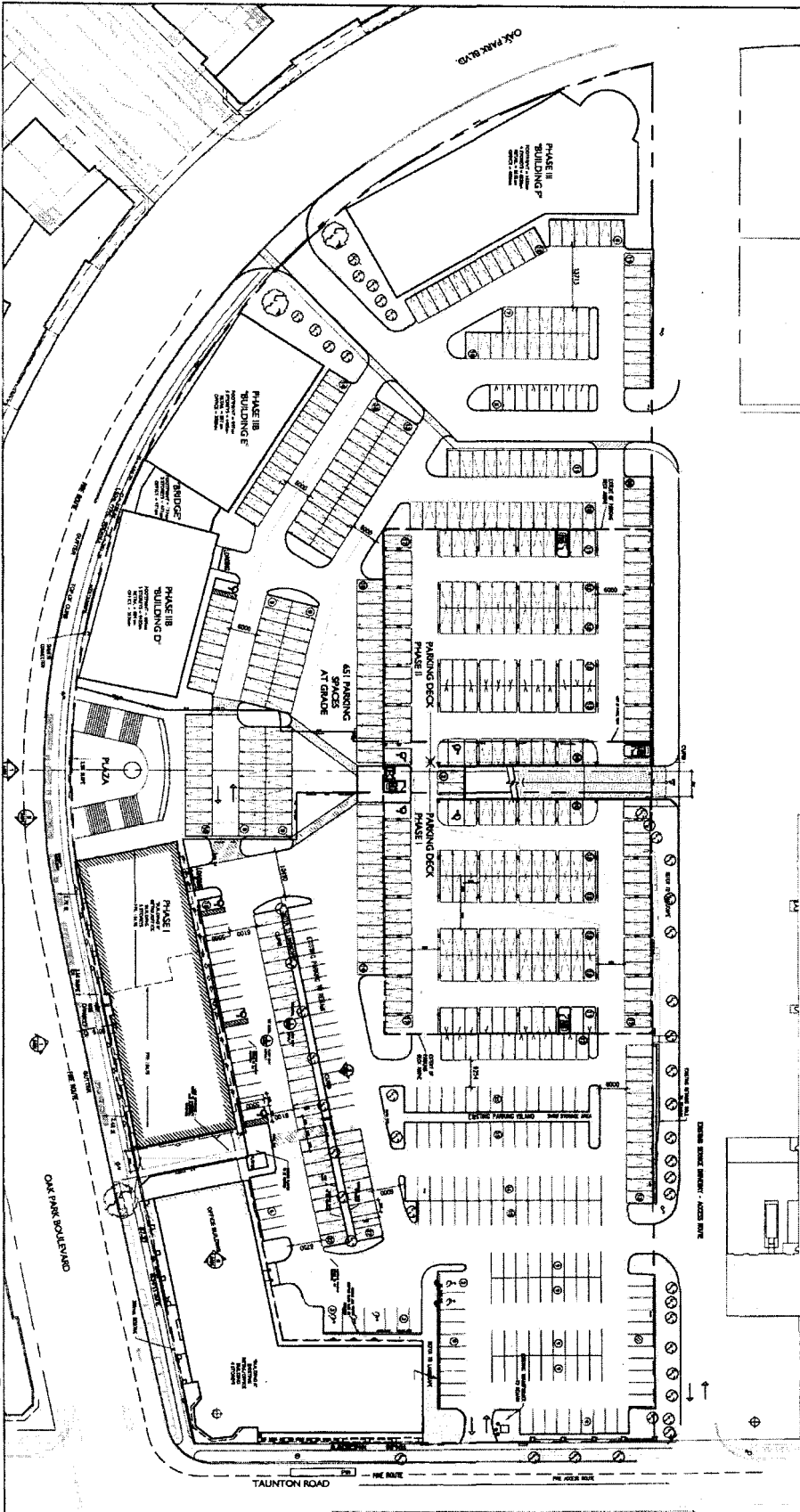
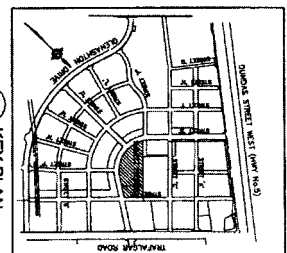
SITE AREA = 34,548.77sqm (371,892.03sf)

TOTAL GFA = 30,657.2sqm (332,146sf)

FSI = 0.89

PHASE 3 - OPTION B

BUILDING AREA/PARKING STATS	GROSS FLOOR AREA	NET LEASABLE/ SALEABLE AREA	RETAIL	OFFICE
BUILDING A - 4 STORIES (EXISTING)	77,318 sqm	70,464 sqm	17,616 sqm	52,848 sqm
BUILDING B - 5 STORIES	62,636 sqm	56,156 sqm	13,231 sqm	42,925 sqm
BUILDING D/E - 5 STORIES	100,927 sqm	79,380 sqm	15,965 sqm	63,415 sqm
BUILDING F - 4 STORIES	70,297 sqm	55,381 sqm	13,895 sqm	41,486 sqm
TOTALS	332,148 sqm	216,449 sqm	43,491 sqm	139,958 sqm
TOTAL PARKING SPACES PROVIDED	1,099			
SURFACE				
TEMPORARY (ON D/E & F)				
TOTAL DECK (2 UPPER LEVELS)				
PARKING / 100% LEASABLE AREA		416		

2 KEY PLAN
A107 SCALE: N15

1 SITE PLAN
A107 SCALE: 1:100



quadrangle
ARCHITECTS LIMITED

300 Wellington St. W. Toronto, Ontario M5H 1B8 (416) 593-1212
OAK PARK RETAIL/OFFICE
PHASE TWO - PARKING DECK
231 Oak Park Blvd
Oakville, ON

For
Poundet Main Street Inc.

06051 as noted MR LK
PROJECT LEAD PRINTER REVIEWERS

SITE PLAN & STATISTICS
TOWN FILE # SP 1414.02301

SPA1

This drawing is the property of Quadrangle Architects Limited. It is to be used only for the project and site identified on the title block. It is not to be reproduced, copied, or used for any other project without the written consent of Quadrangle Architects Limited.

REVISIONS AND NOTES

2015-01-15 REVIEW

LEADER RECORD

Joe Nethery

From: Chris Stoyanovich [REDACTED]
Sent: Monday, November 25, 2013 10:52 AM
To: Joe Nethery
Cc: 'Scott Zavaros'; 'Rob Dolan'; Gabe Charles; Dana Anderson; Joanna Wice; 'Angela Sciberras'
Subject: RE: Oakville Draft ZBL Uptown Core

Good Morning Joe: I too am relying on past OMB decisions and settlements which have been provided to me by our client's solicitors.

Let me speak to my client and Rob Dolan and I will get back to you.

Thank you Chris

Chris Stoyanovich, MCIP, RPP
Senior Associate
Macaulay Shiomi Howson Ltd.



From: Joe Nethery [<mailto:JoeNethery@oakville.ca>]
Sent: Monday, November 25, 2013 10:37 AM
To: 'Chris Stoyanovich'
Cc: 'Scott Zavaros'; 'Rob Dolan'; Gabe Charles; Dana Anderson; Joanna Wice
Subject: RE: Oakville Draft ZBL Uptown Core

Good morning Chris –

My understanding is that the maximum first floor sizes come from OMB decisions and settlements, so I'm assuming there is something in there for those. I'm not going to be able to complete a detailed search of our past reports and the OMB decisions in advance of our meeting on the 4th.

We have your tenant size estimate figures and I have circulated those around. I think we may be trending toward a working discussion/meeting on the regulatory framework on this issue. If you or our client have some development concepts in mind that would facilitate this discussion, it would be much appreciated. I can have our print shop coordinate any production needs.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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From: Chris Stoyanovich [REDACTED]
Sent: Monday, November 25, 2013 9:32 AM
To: Joe Nethery
Cc: 'Scott Zavaros'; 'Rob Dolan'
Subject: Oakville Draft ZBL Uptown Core

Good Morning Joe: In preparation for our meeting with Town Staff on December 4th we are preparing a summary letter addressing the various concerns with the Draft ZBL on behalf of the Owners Silwell/Pouncet et al.

One of those concerns remain the maximum commercial unit sizes on first floors set throughout the Uptown Cores Mixed Use Zones.

In the regard, please direct us to the planning staff reports and studies that support the maximum commercial unit sizes set out in the Draft ZBL so that we can understand and discuss with Town Staff the planning principles that form the basis for this specific zoning provision.

We intend to send you our letter this week so that you and Town Staff have the opportunity to review and respond at our meeting on December 4th.

Thank you Chris

Chris Stoyanovich, MCIP, RPP
Senior Associate
Macaulay Shiomi Howson Ltd.





The Corporation of the Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Attn: Joe Nethery, MCIP, RPP

Dear Mr. Nethery:

Re: Town of Oakville Draft Zoning By-law – Comments on behalf of Silwell Developments Limited, Pouncet Main Street Inc., Pouncet Main Street II Inc. (the Owners)

Thank you for the opportunity to again discuss our client's concerns as they relate to various provisions in the Town of Oakville's Draft Zoning By-law (the Draft ZBL) and their land holdings in Oakville's Uptown Core.

We have had several meetings over the past several months with you and other Town Staff members and have sent correspondence in letter and email form and have made a deputation to Council's Special Planning and Development Committee Meeting held on November 4, 2013.

In preparation for our scheduled meeting on December 4, 2013 with you and other Town staff members, we are, in this letter, taking the opportunity to again set out our client's concerns with respect to various provisions in the Draft ZBL and its impact on our client's landholdings in Oakville's Uptown Core Area. To focus our comments, we have attached a copy of Draft ZBL Map 20(22a) which identifies the various blocks of land owned by our clients in the Uptown Core Area.

On the attached copy of Map 20 (22a) we have also identified two specific revisions to the OS Open Space zoning as it extends currently across the Dundas Street frontage between Oak Park Blvd and Millwood Drive.

In this letter, we will focus on the three main areas of concern with respect to the Draft ZBL as they, in whole or part, impact our client's landholdings. These are:

- **Maximum First Floor Commercial Unit Sizes**
- **Legal Conforming or Non Conforming Status for Existing Approvals**
- **New ZBL Special Provisions should respect Existing ZBL Zoning Approvals**

Maximum First Floor Commercial Unit Sizes

At the time, the Town's Official Plan (Livable Oakville) was being reviewed and ultimately approved, the Owners, with their planning consultant Macaulay Shiomi Howson Ltd. (MSH) and solicitors Aird Berlis, negotiated revised policies in the form of OP modifications which served to accomplish two things:

1. Allowed the time through the zoning by-law process to place reasonable and realistic limitations on the size of commercial uses; and
2. Provided the Owners flexibility to ensure that at the time the new Town Comprehensive Zoning By-law came forward that there would be ability to negotiate what limitations on commercial unit sizes were considered appropriate.

Through our review of the Draft ZBL over the past several months, we have consistently voiced our concerns that the maximum commercial unit size, now 500 sq m, as set out in Section 8.2 Additional Regulation 7 and intended to apply to *"premises located on the first storey"* (ground floor space) is too low and out of step with the needs of potential commercial tenants. In this regard, MSH has not found other municipalities in Southern Ontario that have capped new Main Street type commercial unit sizes to this degree.

Currently, most of the Oakville Uptown Core Main Street blocks of lands are unrestricted in terms of commercial unit size.

Furthermore, it is our view that this commercial unit size provision is not in compliance with the intent and purpose behind the policies and modifications made to either Livable Oakville or the subsequent Urban Design Guidelines that were agreed to by the Town and our client.

For example, Livable Oakville Policy 21.3.2 was specifically modified to allow stand-alone office uses on Dundas Street, which create the potential for large building footprints and the potential for larger first floor tenant space.

From a land use planning standpoint, we recognize that the Town of Oakville does not want large scale commercial developments in the Uptown Core Area but is instead proposing what Livable Oakville describes as:

"animated streets by providing retail and service commercial uses at grade, fronting onto the street and other pedestrian environments. Limited office uses, and ancillary residential uses, may be permitted on the ground floor of mixed-use buildings in these designations. The location and size of any use on upper and/or lower floors within mixed-use buildings will be determined through the development process and regulated by the implementing zoning."

Livable Oakville also states that:

“The Uptown Core shall evolve from its current focus and be redeveloped to accommodate the form and density set out in the mixed use designations. Development applications relating to the build out of the Uptown Core shall not preclude or undermine the long-term vision for higher density mixed use development and shall incorporate the urban design policy requirements as set out in Part C, as applicable.”

It is our client’s intention to comply with these requirements and create vibrant higher density mixed use developments, with a variety of different commercial tenants within the proposed buildings. In fact, they have already received approvals and constructed buildings in the Uptown Core that comply with Town Official Plan, Zoning By-law and Urban Design criteria.

In addition, the Town of Oakville’s Draft Urban Design Manual (the UDM) also promotes “*high-quality urban design-design focused outcomes*” that we assume will also be applied to any of our client’s proposed new developments.

Our client is prepared to discuss at the December 4th meeting with Town Staff, a new maximum commercial unit size that will best address their landholdings given the history of past approvals and the size and development potential of each of the specific blocks in question.

In the spirit of what was previously negotiated and settled through modifications to the Livable Oakville OP, our clients need the certainty of being able to lease larger blocks of ground floor space to potential commercial tenants without having to offer them access to 2nd floor space or having to apply for site specific zoning by-law amendments or minor variance applications whenever the proposed 500 m sq commercial unit size would be exceeded.

Legal Conforming or Non Conforming Status for Existing Approvals

Our clients have instructed Aird Berlis to review the provisions in Part 1 Administration of the Draft ZBL with respect to its interpretation and possible impact on the client’s past approvals secured under Zoning By-law 1984-63.

Aird Berlis will review the provisions in Section 1.9 Transition Matters in the Draft ZBL and what Section 1.9.2 refers to as “*Recently Approved Planning Applications*” including the provisions in Section 1.9.2 e) that state: “*Once the permit, agreement, or approval has been granted in accordance with Section 1.9.2, the provisions of the former By-law shall cease to be in effect.*”

Our client wants to ensure that the development potential secured by existing approvals for their landholdings will not be lost and only recognized as legal non-conforming uses under the provisions of the Draft ZBL once it is adopted. Currently, the existing approvals are all recognized as legal conforming uses. Our clients do not want to lose these rights.

The results of Aird Berlis' review will be available for our meeting on December 4, 2013 with Town Staff.

New ZBL Special Provisions should respect Existing ZBL Zoning Approvals

Our clients have always maintained that the Draft ZBL provisions should respect the past approvals granted by the Town under Zoning By-law 1984-63 and the settlement derived during the Livable Oakville negotiations and subsequent approval.

It is our client's position that the Special Provisions provided for in the Draft ZBL need to reflect, for the subject block of land, any of those site specific approvals granted under existing Zoning By-law 1984-63.

This may mean that those Special Provisions in the Draft ZBL that will apply to our client's landholdings will need to be revised.

These types of compliance issues will need to be fully resolved to our client's satisfaction prior to the adoption of the Draft ZBL by Town Council.

In this regard, Aird Berlis are doing a final compliance review of the Draft ZBL provisions and the past approvals granted under Zoning By-law 1984-63 the results of which will be discussed at our meeting on December 4, 2013.

On behalf of our clients, we appreciate the time and efforts that Town Staff have extended to us during the Draft ZBL review process and we look forward to our next meeting.

As usual, should you require any further information or clarification, please do not hesitate to contact us.

Yours sincerely,

Chris Stoyanovich RPP, MCIP
Senior Associate
Macaulay Shiomi Howson Ltd.

Cc. Dana Andrews, Director of Planning Services
Gabe Charles, Manager of Current Planning
Scott Zavaros, Silwell Developments
Rob Dolan, Aird Berlis

Subject to ZBL 2010-032
Special Provision 38

OS Zone Adjustments
necessary

DRAFT

Subject to OPS #270
and ZBL 2007-065
Special Provision 41

Subject to
ZBL 2012-002
Special Provision 40

This second draft (v2.0) of the 2014 Zoning By-law is for public consultation purposes only. A final draft is anticipated to be presented to council for approval in Q1 of 2014.

Changes will be made to this document based on this review.

Current draft zoning as of September 18, 2013

DRAFT

ZONING BOUNDARY

TOWN OF OAKVILLE
Zoning By-law 2014-XXX
Community Development Commission
Strategic Business Support



Joe Nethery

From: Joe Nethery
Sent: Tuesday, January 07, 2014 11:53 AM
To: 'Chris Stoyanovich'
Cc: Dana Anderson; Gabe Charles; 'Scott Zavaros'; 'Rob Dolan'; 'Christopher Williams'; Diane Childs
Subject: RE: Scheduled Meeting January 10, 2014 -- 9:00 am Town Offices

Good morning Chris –

I've just lost Dana to a meeting involving the Mayor and CAO (they trump the zoning review). Diane Childs will be attending in place. All other staff remain confirmed. We weren't planning on bringing our solicitor along, so let's let the lawyers have a Friday morning off (from Oakville zoning matters).

We have your letters which as written makes for a pretty good agenda of items to work through at the meeting.

See you Friday –

From: Chris Stoyanovich [REDACTED]
Sent: Thursday, January 02, 2014 4:31 PM
To: Joe Nethery
Cc: Dana Anderson; Gabe Charles; 'Scott Zavaros'; 'Rob Dolan'; 'Christopher Williams'
Subject: Scheduled Meeting January 10, 2014 -- 9:00 am Town Offices

Good Afternoon Joe: I would like to confirm that we are still scheduled to meet with you and other Town Staff including Dana Anderson next Friday, January 10, 2014.

Unless advised otherwise, we are assuming that this may be the last chance we have to meet before Town Staff prepare their final reports to Town Council including any final modifications to the Draft Town Zoning By-law 2014-XXXX before it is put before Town Council for adoption. At the outset of the meeting, we would like Town staff to clarify the timing and process going forward.

It would also be helpful to understand the timing and process leading forward to the adoption of the Town's Urban Design Guidelines as we see those guidelines also serving to focus in on the requirements that our client will need to satisfy going forward with respect to future development applications in the Uptown Core. It is our view that the Town ZBL provisions cannot be completely and fully understood in terms of final built form until the Urban Design Guidelines are finalized.

At the meeting we will table our list of outstanding issues which we would like addressed by way of modifications or revisions to the Draft ZBL before final staff recommendations go forward to Council for adoption. We trust that Town Planning Staff are still prepared to propose revisions to the Draft ZBL which we believe will benefit both our client and the Town of Oakville.

Unless advised otherwise, we will assume that the Town staff attending this meeting will not include Town legal counsel and as such we have no need to ask Christopher Williams, Aird & Berlis LLP to attend as our client's legal counsel.

We will await your reply.

Thank you Chris

Chris Stoyanovich, MCIP, RPP
Senior Associate
Macaulay Shiomi Howson Ltd.





February 13, 2014

Chris Stoyanovich, MCIP RPP
Macaulay Shiomi Howson
600 Annette Street
Toronto, ON M6S 2C4

Dear Mr. Stoyanovich:

Re: Town of Oakville Zoning By-law Review
Silwell Developments Limited, Pouncet Main Street Inc., Pouncet Main Street II Inc.
Aird & Berlis File No.: 101963

Thank you for your submission on the Town's Zoning By-law Review. Staff have reviewed your letters of July 16, 2013, November 4, 2013, and November 27, 2013; emails of November 25, 2013 and January 2, 2014; and Rob Dolan's memo of February 12, 2014. Based upon our further review and our meetings of December 4, 2013, January 10, 2014, and January 23, 2014, staff have the following reply.

Based upon outstanding requests listed in previous submissions:

1. Staff are amenable to raising the maximum premises size for uses on a first storey and have included a maximum of 1,400 square metres (just over 15,000 square feet) per premises on the first storey in the final draft (v3.0). This provides additional flexibility to lease to 14 of 22 tenants whose tenancy sizes you supplied in your July 16, 2013 letter. Staff agree that an increase in the maximum from the current 200.0 square metre through 500.0 square metre maximums (tiered by type of retail store) can provide for additional flexibility in design and tenancing. The interpretation is that a single premises on a first storey is limited to that amount of floor area.

The 500.0 square metre maximum was agreed upon through settlements on other properties in the Uptown Core, replacing the lack of a minimum contained in the original 1995 Commercial Residential Mixed Use UCC3R Zone applying in the Uptown Core and the Central Business District – Residential C3R Zone that served as the inspiration for the modified Uptown Core zoning.

Staff remain of the opinion that some form of regulation is both necessary and good planning to ensure that the design objectives of the Livable Oakville Plan and eventual Livable by Design guidelines (an Official Plan Amendment is proposed as part of this work, with the statutory public meeting tentatively scheduled for March 17, 2014) are achieved. This regulation is important for all lands in Mixed Use Zones town-wide given the design expectations in each of Oakville's six growth areas. A regulation needs to be equitably applied to ensure these objectives can be achieved by the town. Section 41(4.1) of the *Planning Act* prohibits a municipality from regulating interior design and the layout of interior areas through the Site Plan Approval process.

Relief from the maximum premises size regulation can be considered through a variance or zoning by-law amendment, which will be evaluated against the Livable Oakville Plan policies and Livable by Design guidelines. Staff from both the inZone and Livable by Design project teams have worked together in a mutually informing manner.



2. To confirm, any regulation contained within a Special Provision in Part 15 trumps a regulation in the main part of the Zoning By-law. Part 15 regulations are introduced, on the first page of that Part, as being “notwithstanding any other provision in this By-law.”

Staff have reconsidered the parking requirements proposed in the Uptown Core. Staff have returned to the initial suggestion by our parking consultant, Cole Engineering, who recommended a 10% discount from the main minimum parking space requirements for lands in the Uptown Core.

The lowest parking rate associated with the Uptown Core appears to be the 1.0 space per 21 square metres of leasable floor area requirement obtained by Silgold Developments Inc. and Silgold II in 2012 (File No. CAV A/027/2012, February 21, 2012), which applies to all commercial uses. Cole’s recommended 10% reduction from the current rate results in a minimum rate of 1.0 space per 23.1 square metres of leasable floor area, which staff have rounded down to 1.0 space per 24.0 square metres of net floor area (new By-law term). This would be the first storey minimum parking requirement, where the broadest range of non-residential uses are anticipated to be located.

Upper storey uses generally tend to be office uses, for which Cole has recommended a rate of 1.0 space per 35.0 square metres of net floor area. Applying the 10% discount recommended by Cole, this results in a minimum of 1.0 space per 38.5 square metres of leasable floor area, which staff have rounded down to 1.0 space per 40.0 square metres of net floor area.

Where medical offices occupy any first storey floor area or greater than 60% of the net floor area of the building, staff continue to recommend a minimum of 1.0 space per 18.0 square metres net floor area for all net floor area occupied by medical offices.

The recommended rate for hotels is 1.0 space per lodging unit, plus 1.0 space per 40.0 square metres net floor area outside of a lodging unit. The 40.0 square metres rationale mirrors that for the office uses described above.

3. Staff have deleted all maximum parking space regulations town-wide in the final draft (v3.0).
4. Staff have included, in Section 5.1.4(b) of the final draft (v3.0), a permission that required parking spaces can be provided on another lot within 300.0 metres of the applicable lot. Both lots need to be in a Mixed Use Zone. Staff would require evidence that an appropriate agreement is in place in order to take advantage of the permission, although this would be determined at the time of making an application (Site Plan or Building Permit). If the lands listed in Rob Dolan’s memo are both within a Mixed Use Zone and within 300.0 metres of each other, the relief would apply to that lot. Staff would review any other site in the context of a development application.
5. Staff cannot be more permissive in a zoning by-law than what is permitted by an official plan. Accordingly, hotels continue to not be permitted in the Main Street 1 MU1 and Main Street 2 MU2 Zones.
6. The proposed transition clauses apply if a conditional or final Site Plan Approval exists. If so, the landowner has until the expiry of the original approval to obtain a building permit. If both of these steps are not met, the relief provided by the transition clauses ceases to exist.

I should draw your attention to a general provision contained in the final draft (v3.0) of the 2014 Zoning By-law that may provide some additional clarity to the transition clauses. Section 4.12.1 of the By-law allows for a lot with a legal non-conforming building or structure to obtain a



building permit under the 2014 Zoning By-law, “*provided that the enlargement, repair, or renovation:*

- i) *Does not further increase the extent or degree of non-conformity; and,*
- ii) *Complies with all other applicable provisions of this By-law.”*

This approach has been used in other municipalities (Halton Hills as one example) and is used in our North Oakville Zoning By-law 2009-189, as amended. It provides some flexibility to landowners in these situations to obtain a building permit, change uses, or undertake renovations provided those two criteria are met. Should a landowner seek to increase the extent of non-conformity, an avenue to consider that increase is available through the Committee of Adjustment under Section 45(2) of the *Planning Act*.

- 7. The Livable Oakville Plan, as noted in Mr. Williams’ letter, provides policy flexibility to permit the stand-alone office use. Staff would consider the proposal through a development application; a Minor Variance or Zoning By-law Amendment, depending on the nature of the proposal.
- 8. Staff recommend the 4.5 metre first storey floor height in order to ensure sufficient vertical area is available to accommodate the broadest possible range of non-residential uses on the first storey. As the final draft (v3.0) is written, this would include situations where different first floor levels are provided. Relief could be considered through an application for minor variance to evaluate the impacts of the scenarios described.

Footnote 7 of Table 8.3 would apply to recognize the existing undersized first storey floor heights and should additionally apply to the minimum building heights. Wording will be included in the updated final draft (v3.1) to add Footnote 7 to all minimum height regulations in Table 8.3.

- 9. For Special Provision 41 (“Parcel 2”), wording will be included in the updated final draft (v3.1) to exempt the property from the maximum premises size limitation of Footnote 7 and adjusting the height measurement in Section 15.41.5(a) to apply to all lands. The slab foundation issue could be resolved through an interpretation at the time of Site Plan Approval or Building Permit review.
- 10. Adjustments have been made to “parcels 5 and 6” to place all lands in the Urban Core MU4 Zone, with a height limitation on the lands so identified in the edited Special Provision 42 and new Special Provision 37.
- 11. The office use maximum width regulation is intended to apply only in that first 9.0 metres of building depth. Behind 9.0 metres, the landowner has additional flexibility in terms of first storey layout.
- 12. A revised Special Provision 38 is included in the updated final draft (v3.1) correcting the height issue.
- 13. The address block in Special Provision 41 is corrected in the updated final draft (v3.1), and the reference to Block 2 shifted down to apply to only the parking structure.
- 14. Maximum parking space provisions in Mixed Use Zones have been deleted in the final draft (v3.0).

Please also be advised that the staff are anticipating on undertaking “Growth Area Check-ins” scheduled as part of our Long Range Planning section’s work program over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations



applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Sincerely,



Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project

cc: Dana Anderson, Director of Planning Services
Diane Childs, Manager of Long Range Planning
Joanna Wice, Assistant Town Solicitor, Legal Services
Christina Tizzard, Manager of Urban Design
Gabe Charles, Manager of Current Planning, Central District
Christopher Williams and Rob Dolan, Weir Foulds
Scott Zavaros

APPENDIX C

**O'CONNOR
MACLEOD
HANNA LLP**

Barristers & Solicitors

Brian J. Hanna	Larry S. Gangbar
Kenneth W. Watts	Jarvis G. Sheridan
Robert A. Watson	* Tanya A. Leedale
** Harold R. Watson	Robert Krizman
Gayle Wadden	† James McAskill
Marian G. Gage	Chantel Goldsmith
Danny Chou	Ruhia Jakhio
Owen J. Duguid	Carolyn M. McCarney
Alexandra Manthorpe	Counsel: Paul D. Stunt

* Certified Specialist (Corporate and Commercial Law)

** Certified Specialist (Municipal Law: Local Government and Land Use Planning and Development)

† Certified Specialist (Real Estate Law)

November 4, 2013

DELIVERED BY E-MAIL AND REGULAR MAIL

Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Madam:

**RE: MacLachlan College – 337 Trafalgar Road
Submissions on Proposed Comprehensive Zoning By-law – Inzone Project**

We are the solicitors for MacLachlan College. Attached hereto please find our client's submissions with respect to the Town's Second Draft Zoning By-law. The College has continued to retain Ms. Victor to provide her planning review of the Draft By-law and the College's submissions are as set out in Ms. Victor's letter attached hereto.

As noted in Ms. Victor's letter, our client remains committed to meeting with staff to resolve the remaining concerns.

Yours very truly

O'CONNOR MACLEOD HANNA LLP



Harold R. Watson

HRW:lw

cc: Lisa Duranleau, Executive Director, MacLachlan College
cc: Ruth Victor, Ruth Victor & Associates
cc: Mr. Joe Nethery, Manager, Zoning By-law Project, Town of Oakville





November 1, 2013

Mayor and Members of Council
c/o Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville ON
L6H 0H3

Dear Mayor and Members of Council:

**Re: Public Consultation on Second Draft of Zoning By-law
MacLachlan College, [REDACTED] Trafalgar Road**

Thank you for the opportunity to review the second draft of the Town of Oakville Zoning By-law. We have reviewed this on behalf of our client, MacLachlan College, and offer the following comments.

The Draft Zoning By-law proposes a special provision of CU-283 for this site. We appreciate staff's efforts to incorporate the prior approvals granted by the Town within the special provision but we do note that additional revisions are still required to this section.

CAV A/172/2007 approved a maximum floor area of 3073.5m² whereas the proposed Section g) reflects a prior approval with a maximum floor area of 3064.0m². This needs to be updated to incorporate the most recent approval granted by the Town of Oakville.

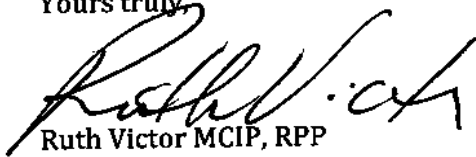
We also note that the special provision started to reference the additional provisions currently set out within Section 617 regarding parking in 15.283.2 but was not completed and only contains a partial reference and notation: (CHECK). The provisions set out within the current zoning by-law in Section 617 v), vi), vii), and viii) still need to be carried forward in an appropriate manner into the new Zoning By-law. For example, proposed sections 5.1.2 and 5.1.9 would require exclusive use of any parking area and a hard surface provided for parking areas where as Section vii) and viii) of the current By-law permits the required parking on the playground area. We are requesting that the following wording be added to special provision CU-283- Parking Requirement: 58 parking spaces for all uses on the lot. 40 parking spaces may be permitted on the playground. These spaces are not subject to Section 5.1.9, which specifies that parking spaces must be a hard surface and no curbs are required. We concur with the wording proposed regarding Section 5.5.1 b) that stacking lane separation from an aisle or driveway shall not apply.

We have reviewed the proposed parking ratios for schools that would apply to any expansion of this facility and advise that the proposed standard of 1.5 spaces per elementary classroom and 4 spaces per secondary classroom is not appropriate for a private school. The typical public school classroom contains 25-30 students. Within this school, the average classroom accommodates 10 students. The size of each classroom is also proportionately smaller. MacLachlan College also offers door-to-door transportation for students as needed.

It is our client's position that, due to these factors, the application of this same standard for public and private schools in terms of parking is not appropriate. It is not clear why this standard was selected for the second draft of the Zoning By-law when compared to the proposed standard within the first draft of the Zoning By-law based on floor area and the current standard based on occupancy of the place of assembly.

We have offered to meet with staff to further discuss and resolve these concerns and anticipate that they can be resolved with appropriate revisions to the wording of the special provision and parking requirements.

Yours truly,



Ruth Victor MCIP, RPP

cc. Mr. Joe Nethery
Manager, Zoning By-law Project

November 4th 2013

Attn: Mr. Joe Nethery, Manager, In-Zone Bylaw Project
Planning Services

JoeNethery@oakville.ca

Corporation of the Town of Oakville

1225 Trafalgar Road
Oakville, ON L6H 0H3

RE: **By-law – 2014 Zoning By-law (in Zone Project)**

I Andrew Blanchard_

Owning property at [REDACTED] Lakeshore Road West Oakville Ontario L6L [REDACTED]

wish to state for the record that I am opposed to the proposed bylaw changes for my property at the above address, and request adequate time in the weeks ahead in which to review all of the information with Town Planning staff prior to any approvals being made by the Town with respect to these proposed bylaw changes related to my property.

Sincerely,



Andrew J Blanchard

cc. Councillor R. Robinson – Ward 1 – Corporation of the Town of Oakville - rrobinson@oakville.ca
Councillor A. Johnston – Halton Region and Ward 1 Councillor - ajohnston@oakville.ca
Mayor Rob Burton – Corporation of the Town Of Oakville – mayor@oakville.ca

Luba Moskal



November 4, 2013


Attn: Mr. Joe Nethery, Manager, Zoning By-law Project
Planning Services-Corporation of the Town of Oakville

JoeNethery@oakville.ca

1225 Trafalgar Road
Oakville, ON L6H 0H3

RE: **By-law – 2014 Zoning By-law (inZone Project)**

I, **Luba Moskal** am a property owner in Bronte Village, owning property at

 Lakeshore Rd. W.

I wish to state for the record that I am opposed to the proposed bylaw changes for my property at the above address, and request adequate time in the weeks ahead in which to review all of the information with Town Planning staff prior to any approvals being made by the Town with respect to these proposed bylaw changes related to my property.

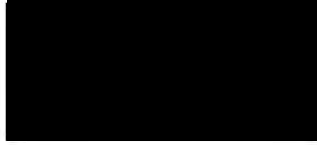
In future, please ensure that all notifications from the town concerning my property are mailed to my home address as I do not live in Oakville, and do not receive the Oakville Beaver. It is critical that we are given sufficient time to review proposed bylaw or zoning changes before approvals are sought at Council, especially with changes of this magnitude.

Sincerely,

A handwritten signature in cursive script that reads "Luba Moskal".

Luba Moskal

Attilio Ventresca



JoeNethery@oakville.ca

November 4, 2013

Attn: Mr. Joe Nethery, Manager, Zoning By-law Project
Planning Services-Corporation of the Town of Oakville

1225 Trafalgar Road
Oakville, ON L6H 0H3

RE: By-law – 2014 Zoning By-law (inZone Project)

I, Attilio Ventresca am a property owner in Bronte Village owning property at Jones and Lakeshore Rd. W. [REDACTED] Lakeshore Rd. W.

I wish to state for the record that I am opposed to the proposed bylaw changes for my property at the above address, and request adequate time in the weeks ahead in which to review all of the information with Town Planning staff prior to any approvals being made by the Town with respect to these proposed bylaw changes related to my property.

Sincerely,

A handwritten signature in black ink, appearing to read 'Attilio Ventresca'.

Attilio Ventresca

cc. Councillor R. Robinson – Ward 1 – rrobinson@oakville.ca
Regional and Local Councillor A. Johnston – ajohnston@oakville.ca
Mayor Rob Burton – mayor@oakville.ca



November 4, 2013

Attn: Mr. Joe Nethery, Manager, Zoning By-law Project
Planning Services-Corporation of the Town of Oakville

JoeNethery@oakville.ca

1225 Trafalgar Road
Oakville, ON L6H 0H3

RE: **By-law – 2014 Zoning By-law (inZone Project)**

I, Robert Moskal am a property owner in Bronte Village for the last 35 years.

Owning property at [REDACTED] Lakeshore Rd. W.

I wish to state for the record that I am opposed to the proposed bylaw changes for my property at the above address, and request adequate time in the weeks ahead in which to review all of the information with Town Planning staff prior to any approvals being made by the Town with respect to these proposed bylaw changes related to my property.

I have past experience of not being notified of a major change regarding my property. I wasn't aware of a meeting and had to appeal and lost. This cost me a great deal of money. And I do not wish this to happen again to me or any of our property owners in this community. Notifications must be sent to our home address, which in my case is Burlington.

Sincerely,

A handwritten signature in cursive script that reads "Robert Moskal".

Robert Moskal

cc. Councillor R. Robinson – Ward 1 – rrobinson@oakville.ca
Regional and Local Councillor A. Johnston – ajohnston@oakville.ca
Mayor Rob Burton – mayor@oakville.ca

Joe Nethery

From: Joe Nethery
Sent: Monday, February 03, 2014 11:18 PM
To: [REDACTED]
Cc: Matt Rubic; Christina Tizzard; Charles McConnell; Heinz Hecht; Gabe Charles; Dana Anderson; Diane Childs; Denis Daoust; 'mmaxwel [REDACTED]
Subject: Joshua Creek and Emily Carr PS - Parking and the 2014 ZBL
Attachments: Pages from newZBL-v2.0-part5-parking.pdf
Categories: v2.0 Inputs

Good evening Gerry and Bill –

The math looks good from my end: the additions would comply from a parking perspective as you are currently oversupplied on the two lots based on the 2014 ZBL standard (we do not have a parking minimum for public parks, which means all those spaces are assigned to you from a math/calculation perspective).

One thing I anticipate staff will request is bringing the barrier-free parking supply up on the sites to meet the new standards (current draft s5.4 attached, and the numbers come from the new [AODA integrated accessibility standards](#)):

- On Joshua Creek, that's 4 total spaces meeting the new dimension and access aisle requirements
- On Emily Carr, that's 5 total spaces meeting the new dimension and access aisle requirements

Hopefully Matt (a great contact for matters relating to transitioning from 1984-63 to 2014-014) and our current planners can make the rest of your trip through the Site Plan process as smooth as possible.

From: Monika Maxwell [REDACTED]
Sent: Friday, January 31, 2014 3:33 PM
To: Joe Nethery
Cc: 'Bill Wotherspoon'; [REDACTED]
Subject: Joshua Creek PS - Parking

Dear Sir,

Please see below the existing and proposed classroom count for Joshua Creek Public School, the required number of parking spaces based on a 1.5 spots per classroom and the existing parking. In summary based on the below calculations, we require 63 parking spots and there is provision for 96 spaces.

Joshua Creek Public School

Existing Classrooms - 34
Existing Portable Classrooms - 5
Proposed Classrooms - 3

Total Classrooms = 42

Parking required (1.5 per classroom) $1.5 \times 42 = 63$
Existing parking provided on site = 96, including 3 barrier free parking spots

Sincerely,

Joe Nethery

From: Joe Nethery
Sent: Thursday, February 13, 2014 1:43 AM
To: 'Peter Marit'
Cc: Joe Nethery
Subject: RE: inZone: Final Draft (v3.0) and OPA Now Online

Categories: v3.0 Inputs

Good evening Peter –

Per your February 8, 2014 email, in the final draft (v3.0) staff are recommending a new “residential floor area ratio” calculation. Detailed comment is contained in the staff report being released Friday, but suffice to say the proposed calculation of “residential floor area” and resultant “residential floor area ratio” is modelled on the approach used in Mississauga, where all floor area within the building is measured without any exclusions. To compensate for the additional areas included in the calculation of residential floor area, the recommend ratio for the new “maximum residential floor area ratio” is adjusted upward from the current “floor area/lot ratio” figures listed in Zoning By-law 1984-63, as amended. Individual tiers are also proposed to be reorganized to fit the current minimum lot area figures, meaning each tier spans 92.9 square metres (1000 square feet). Based on modelling of potential building sizes available under Zoning By-law 1984-63, as amended, the increase in increases range between 10.3% and 16.7% over existing permissions – or, between 3 and 5 percentage points in the final draft (v3.0) By-law – to accommodate previously excluded exterior walls, stairs, and elevators. The two-regulation framework better enables as-of-right design flexibility within the zoning by-law.

In terms of the mechanics of the recommendation, lot coverage for shorter dwellings – now proposed to be set at less than or equal to 7.0 metres, based on further review – is proposed to remain the same as in the second draft (v2.0) and Zoning By-law 1984-63, as amended: 30% in the Residential Low RL1 and RL2 Zones; 35% in the Residential Low RL3-0, RL4-0, RL5-0, and RL10-0 Zones, and not applicable in the Residential Low RL8-0 Zone. For taller buildings – greater than 7.0 metres in height – the recommendation is based on the 85th percentile (with rounding) of all lot coverage estimates existing today in the applicable zones: 25% in the Residential Low RL1 and RL2 Zones; 35% in the Residential Low RL3-0, RL4-0, RL5-0, and RL10-0 Zones, and remaining not applicable in the Residential Low RL8-0 Zone.

Using the 85th percentile level best recognizes the “existing residential character” across the broad area covered by today’s R0 Zones. The regulation as proposed, and therefore the new infill and replacement dwellings and additions to existing dwellings constructed within this framework, will conform to and implement Section 11.1.9 of the Livable Oakville Plan.

In the updated final draft (v3.1), a new subsection (b) is proposed under lot coverage to clarify and carry forward the current staff interpretation that accessory buildings and structures are included within – not additional to – the lot coverage for the main dwelling. It is a total 25%/35% calculation.

Staff’s recommendation remains to carry forward the 9.0 metre maximum overall height. Section 4.6.4 does permit an additional projection for skylights to a maximum of 0.6 metres above the roof.


Thank you for your patience and contributions to the inZone project. Give me a call next week and I can try to set up a meeting. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Peter Marit [REDACTED]
Sent: Saturday, February 08, 2014 7:11 AM
To: Joe Nethery
Subject: Re: inZone: Final Draft (v3.0) and OPA Now Online

Hi joe

From my perspective the net effect of this by-law will have zero impact on your committee of adjustment traffic flow regarding floor areas and height in the RO zones. In fact it will probably increase. True it is not as scary as 19%, but, all that has changed when you compare all the factors in the calculation equation method, is an increase from 26% in the old bylaw to 27% in the new. Height hasn't changed, skylights are still an awkward "cock your head" illogical part for discussion. Does there remain any room for discussion or is this the new normal?

Regards

Peter M

On Feb 7, 2014, at 11:18 AM, Joe Nethery <JoeNethery@oakville.ca> wrote:

<image001.jpg>

Final Draft (v3.0) of 2014 Zoning By- law Now Online

**Staff recommendation is for
Council to pass Zoning By-law
2014-014 at the Special
Planning and Development
Council Meeting
Tuesday, February 25, 2014**

Staff will be presenting the final draft (numbered as version 3.0) of the 2014 Zoning By-law at a special meeting of Planning and Development Council on Tuesday, February 25, 2014.

The final draft (v3.0) of Zoning By-law 2014-014 has just been uploaded to our [project](#)

APPENDIX C

November 4, 2013

Attn: Mr. Joe Nethery, Manager, InZone Bylaw Project
Planning Services

JoeNethery@oakville.ca

Corporation of the Town of Oakville

1225 Trafalgar Road
Oakville, ON L6H 0H3

RE: By-law – 2014 Zoning By-law (InZone Project)

I, Mario Forgione of MM Sam Ltd. Owning property at [REDACTED] Lakeshore Road West, Oakville L6L [REDACTED] and [REDACTED]
Lakeshore Road West Oakville L6L [REDACTED]

wish to state for the record that I am opposed to the proposed bylaw changes for my property at the above address, and request adequate time in the weeks ahead in which to review all of the information with Town Planning staff prior to any approvals being made by the Town with respect to these proposed bylaw changes related to my property.

Secondly, I believe that it is the Town's duty to properly inform all commercial property owners of any issues that may affect my property. Notices should be mailed to our home or business address to allow us sufficient time to review proposed bylaw or zoning changes before approvals are sought at Council, especially with changes of this magnitude.

Sincerely,



Mario Forgione

cc. Councillor R. Robinson – Ward 1 – Corporation of the Town of Oakville - rrobinson@oakville.ca
Councillor A. Johnston – Halton Region and Ward 1 Councillor - ajohnston@oakville.ca
Mayor Rob Burton – Corporation of the Town Of Oakville – mayor@oakville.ca

Joe Nethery

From: Joe Nethery
Sent: Friday, November 15, 2013 4:49 PM
To: 'TODD WADDELL'
Cc: Joe Nethery
Subject: RE: opposing by-law changes

Good afternoon Mr. Waddell –

I apologize for the delay in acknowledging your email, as I'm finally beginning to work through submissions received over the past two weeks. Thank you for your submission to the inZone project. Your letter will be included in the next report to Council.

I have also added your name to the [inZone project](#) mailing list in order to receive updates on project status and the release of new information. Please continue to follow the inZone project as we move toward Council's passing of the By-law tentatively scheduled for February 10, 2014.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: TODD WADDELL [REDACTED]
Sent: Monday, November 04, 2013 1:39 PM
To: Joe Nethery; Todd Waddell
Subject: opposing by-law changes

Nov 04/13

Attn: Mr. Joe Nethery, **Manager, Zoning By-law Project**
Planning Services-Corporation of the Town of Oakville

JoeNethery@oakville.ca

1225 Trafalgar Road
Oakville, ON L6H 0H3

RE: **By-law – 2014 Zoning By-law (inZone Project)**

I TODD WADDELL of T&S WADDELL PROPERTIES(OAKVILLE) INC

Owning property at [REDACTED] LAKESHORE RD W, OAKVILLE, L6L [REDACTED]

APPENDIX C

wish to state for the record that I am opposed to the proposed bylaw changes for my property at the above address, and request adequate time in the weeks ahead in which to review all of the information with Town Planning staff prior to any approvals being made by the Town with respect to these proposed bylaw changes related to my property.

Sincerely,

TODD WADDELL

cc. Councillor R. Robinson – Ward 1 – Corporation of the Town of Oakville
Mayor Rob Burton – Corporation of the Town Of Oakville

Joe Nethery

From: Joe Nethery
Sent: Monday, December 16, 2013 8:56 PM
To: [REDACTED]
Cc: Ramona Boddington; Dana Anderson; Diane Childs; Denis Daoust; Lesley Gill Woods; Joe Nethery
Subject: RE: Register objection to New By-Laws
Categories: v2.0 Inputs

Good evening Mr. Zenker –

Thank you for your submission on the inZone project. It was great speaking with you at the Bronte BIA meeting in November.

Staff have reviewed your submission and are recommending, in the final draft (v3.0) of the 2014 Zoning By-law, a Special Provision adding the veterinary clinic as a permitted use on the property. A corresponding exception in the Livable Oakville Plan is also required, and staff will recommend such a clause be included in the corresponding Official Plan Amendment.

A number of changes will be made to the draft zoning based on continued staff review and public input received. Everything remains under review and everything remains subject to change. Please continue to follow the inZone project as we move toward Council's passing of the By-law tentatively scheduled for February 25, 2014. I have added your name to the inZone project mailing list.

If I or my team can be of further assistance, please let me know.

From: Ramona Boddington
Sent: Monday, November 04, 2013 2:54 PM
To: Joe Nethery
Subject: Register objection to New By-Laws
Importance: High


I don't think this made it to you, so here it is.

Ramona Boddington, MCIP, RPP
Planner, Long Range Planning
Planning Services

Town of Oakville | 905-845-6601 ext.3032 | f: 905-338-4414 | www.oakville.ca



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From: Wolfgang Zenker [REDACTED]
Sent: Sunday, November 03, 2013 9:08 PM

To: Ramona Boddington; [REDACTED]
Cc: Wolfgang Zenker
Subject: Register objection to New By-Laws
Importance: High

Mr. Joe Nethery

I was speaking to one of the planners, Ramona Boddington, and she suggested that I should contact you.

I own a property in Oakville, [REDACTED] Lakeshore Road West. It is Burloak Animal Hospital. I have been a resident of Oakville since 1951. My parents have had a business in Oakville since 1956 and I have had my Animal Hospital at this location since 1970. We have been at this location with this building for decades before any of the current neighbouring buildings were constructed.

My understanding is that the zoning amendments will make us loose the commercial zoning which we have had for 45 years for the Animal Hospital as well for an adjoining pet store. I expect it will impede renovations and additions as well as complicate any sort of succession planning. I don't even know the definition of ceasing operation. What if we cease operation for renovation or as a result of some catastrophe, do we loose the zoning? In the process of trying to make Oakville more "Livable" you are actually making it less so. I'm sorry but I have lived in Oakville long enough to know what it used to be like and what it could be like. The town is going down the wrong path! You are trying to recreate Scarborough, not the old Oakville.

We have been here for many decades longer than anyone at city hall. I have been paying taxes for the last 45 years. I feel that it is unjust and unfair to impede our ability to continue to function at the current location.

Respectfully

Wolfgang G. E. Zenker B.Sc., DVM, M.Sc., MBA



KITCHENER
WOODBIDGE
LONDON
KINGSTON
BARRIE

November 4, 2013

Joe Nethery
Manager, Zoning By-law Project
Planning Services
Town of Oakville
1225 Tragalgar Road
Oakville, ON
L6H 0H3

Dear Mr. Nethery:

RE: REVIEW OF DRAFT 2014 ZONING BY-LAW

[REDACTED]
SOUTHDOWN BUILDERS
OUR FILE 1087F

We are writing on behalf of Southdown Builders to outline our concerns with the Town's draft new Zoning By-law with respect to the above-noted addresses. The following is a summary of issues with the proposed zoning, by property.

Although [REDACTED] Speers Road and [REDACTED] Bronte Road constitute one property, we have separated [REDACTED] Bronte Road for the purposes of this review as it is subject to different policies and zones than the portions of the property fronting Speers Road. We note that legal non-conforming conditions related to landscaping and parking are not considered within the regulations of Section 4.12.

GENERAL DISCUSSION

The new Zoning By-law is comprehensive and thorough. We congratulate Town staff for their efforts to produce such a complex document. We support the provisions regarding legal non-conforming buildings, uses, and lots, which provide flexibility to existing uses while advancing the Town's land use planning objectives.

It is our understanding from our review of the by-law that no loading spaces/docks are required or specified in any zone. We did not locate any minimum loading ratios or requirements. We request that this interpretation be confirmed.

[REDACTED] SPEERS ROAD

This site is currently used for light industrial and office uses, with a vacant portion on the east side of the site. The site is currently zoned Transition Employment (T1) Zone. The T1 Zone is a business employment

zone focusing on offices and light industrial uses, and therefore in our interpretation, suits the existing use of the property. Uses such as banks, restaurants, and service establishments are also permitted and are generally not restricted.

The proposed zoning for the site is Office Employment (E1). The following use permissions will be lost under the E1 Zone:

- light industrial operations;
- parking – heavy vehicles;
- place of amusement-employment;
- place of worship;
- vehicle dealership;
- vocational school; and
- private school.

Further, retail stores, financial institutions, restaurants, service commercial establishments, sports facilities, and day cares are only permitted within a building used for a business office, medical office, hotel, or public hall. The above uses are only permitted to occupy a maximum of 20% of the floor area of the building. This regulation effectively prohibits stand-alone commercial uses, whereas previously they were unrestricted.

Given the above, it is our interpretation that the existing light industrial uses would no longer be permitted and would become legal non-conforming. Certain commercial uses will no longer be permitted in a stand-alone format, and will be restricted to 20% of the floor area of the building.

Based on our analysis of the zoning regulations, the existing site will not be able to comply with the new regulations for minimum landscape strip, accessible parking, and likely other provisions such as the new bicycle parking requirements. As these components are not considered under Section 4.12, it is not clear whether they would be deemed legal non-conforming.

The loss of use permissions and the floor area cap on certain commercial uses are restrictive and inhibit the evolution and maturation of the site. Further, the existing light industrial uses, which are generating critical employment within the Town, will be rendered legal non-conforming, creating uncertainty for the future of these uses. Further clarity is also required regarding the regulations of Section 4.12.

BRONTE ROAD

This site is currently used for a retail use which sells home medical products. The site is currently zoned Arterial Commercial (C3A) Zone, which is intended to permit commercial uses catering to the travelling public. This zone corresponds with the designation in the 2006 Official Plan, which was Arterial Commercial.

A retail store is not a defined use and is not listed as a separate permitted use. “Retail sales warehouses” are permitted, amongst other uses. A “retail sales warehouse” is defined as “a building or structure or part thereof where merchandise is warehoused or stored on the premises and where a portion of the building or structure is used for offering such merchandise for sale directly to the public.” Discussions with Town staff indicated that the existing store fits into this definition, and would be permitted as a legal conforming use on the site today.

The proposed zoning for the site is Office Employment (E1). The E1 Zone is primarily intended for offices and hotels. This zoning implements the Office Employment designation of the Livable Oakville Official Plan. The following use permissions will be lost under the E1 Zone:

- animal/veterinary clinic;
- billiard parlour;
- library;
- place of amusement-commercial;
- private or fraternal club;
- private school;
- public garage;
- rehabilitation workshop;
- retail propane transfer facility;
- retail sales warehouse; and
- service station.

Retail stores are permitted in the new zoning, but like financial institutions, restaurants, service commercial establishments, sports facilities, and day cares, such uses are only permitted within a building used for a business office, medical office, hotel, or public hall. Further, the above uses are only permitted to occupy a maximum of 20% of the floor area of the building. Given the above, the existing retail use would be rendered legal non-conforming in the new Zoning By-law.

In addition to the above, we also note that stand-alone retail uses are not contemplated by the Office Employment designation of the Livable Oakville Official Plan. Therefore the use is also legal non-conforming for the purpose of the Official Plan.

Based on our analysis of the zoning regulations, the existing site will not be able to comply with the new regulations for minimum landscape strip, vehicle parking, and likely other provisions such as the new bicycle parking requirements. As these components are not considered under Section 4.12, it is not clear whether they would be deemed legal non-conforming.

The proposed zoning does not recognize the existing use of this portion of the property, and is inconsistent with the Business Commercial Zone proposed for the lands immediately to the north, which are functionally indistinct from 549 Bronte Road. Further clarity is also required regarding the regulations of Section 4.12.

LAKESHORE ROAD EAST

This site is currently used for a retail store which sells liquor. The site is currently zoned Central Business District – Residential (C3R(7(i))) and is subject to site specific provision 597, which prohibits residential uses. The C3R Zone permits neighbourhood stores. A neighbourhood store is defined as “a store that serves the daily and weekly shopping and service commercial needs of a neighbourhood and may include such uses as a variety store, drug store and movie and video rental store.” Therefore it is our interpretation that the existing use is permitted in the current zoning.

The proposed zoning for the site is Central Business District (CBD). Our review of this zone indicates that the list of permitted uses in the current C3R Zone matches the list of permitted uses in the proposed CBD Zone. This zone is intended to implement the Central Business District Official Plan designation.

Notwithstanding, many permitted uses are restricted in the new Zoning By-law. The new Zoning By-law sets a 500 square metre floor area limitation for ground floor commercial uses. Uses restricted to 500 square metres on the ground floor include but are not limited to:

- financial institution;
- offices;
- personal service establishment;
- pet care establishment;
- place of entertainment;
- repair shop;
- retail store;
- restaurant; and
- service commercial establishment.

The current Zoning By-law does not carry this restriction, and there is no direction in the Livable Oakville Plan to restrict uses in this manner.

We note that the lot area of this property is approximately 1,016 square metres. The existing building occupies approximately 360 square metres, so the 500 square metre restriction would not inhibit the continued use of the existing building. However, future redevelopment of the property would be restricted by the maximum ground floor area permitted for the above-noted uses.

In addition, site-specific exception 597, which prohibits residential uses, has been removed. We support the removal of this exception.

Based on our analysis of the zoning regulations, the existing site will not be able to comply with the new regulations for maximum parking, as 22 spaces are provided on site. As this condition is not considered under Section 4.12, it is not clear whether it would be deemed legal non-conforming.

Based on the above, it is our interpretation that the existing retail store would continue to be permitted on the site as a legal conforming use. We note that future redevelopment of the site will be hindered by the restriction on the maximum ground floor area for certain commercial uses. Further clarity is also required regarding the regulations of Section 4.12.

CONCLUSIONS AND RECOMMENDATIONS

The proposed zoning does not recognize existing uses at [REDACTED] Speers Road and [REDACTED] Bronte Road, resulting in the loss of use permissions on these properties, and unduly restricts ground floor uses at [REDACTED] Lakeshore Road East. We recognize that the regulations of Section 4.12.3 protect legally established uses which are no longer permitted in the zoning, but our primary concern is the loss of permissions enjoyed by each site today. With the loss of these permissions, the future tenancies for these buildings will be restricted, limiting our client's ability to maintain the economic viability of these buildings.

We recommend that [REDACTED] Speers Road and [REDACTED] Lakeshore Road East each be assigned site-specific exceptions which mitigate the above-noted impacts. Specifically, the site-specific provisions should include:

1. On [REDACTED] Speers Road, the following uses be permitted uses:

- a. light industrial operations;
- b. parking – heavy vehicles;
- c. place of amusement-employment;
- d. place of worship;
- e. vehicle dealership;
- f. vocational school; and
- g. private school.

Subsection 2 of the additional regulations for permitted uses Table 10.2 shall not apply, except in the case of retail stores.

The existing front yard setback, front yard landscape strip, parking, bicycle parking, and building height shall be considered the legal conforming conditions.

2. On [REDACTED] Lakeshore Road East, subsection 7 of the additional regulations for permitted uses Table 8.2 shall not apply.

The existing building height and maximum parking shall be considered the legal conforming conditions.

On 549 Bronte Road, the issues are more complex, due to the redesignation of the site to Office Employment in the Livable Oakville Official Plan. Our recommendations for this site are as follows:

3. We request that this site be rezoned to the 'Business Commercial' Zone, to be consistent with lands to the north. We would like the opportunity to meet with you and discuss this request possibility.
4. Further, a housekeeping Official Plan Amendment is being prepared concurrently with the new Zoning By-law. This amendment is intended to incorporate modifications into the Livable Oakville Plan necessary to support the approval of the Town's new Zoning By-law. As part of the review of the zoning for [REDACTED] Bronte Road, we would like to discuss the possibility of redesignating this site to 'Business Commercial' in the Official Plan, as part of the housekeeping amendment. This would make [REDACTED] Bronte Road consistent in designation with the property to the north, which is functionally indistinct from this address. This will also recognize the designation in the 2006 Official Plan, which was Arterial Commercial. The proposed amendment already includes similar land use designation changes to recognize existing uses on other sites, so this change would not be precedential.

We request that our interpretations above be confirmed, and that the draft Zoning By-law incorporate the above requested modifications prior to adoption by Council.

Please call at your earliest convenience to arrange a meeting to discuss the foregoing. Please also include us on the notification list for future notices on the Zoning By-law, the housekeeping Official Plan Amendment, and for the respective notices of adoption.

Thank you,

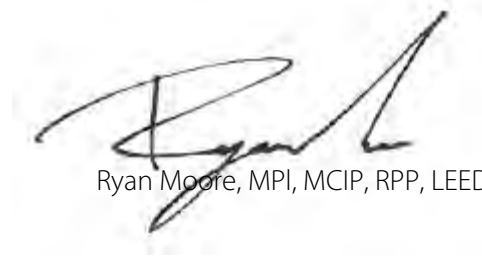
APPENDIX C

Yours truly,
MHBC

A handwritten signature in black ink, appearing to read 'David A. McKay', with a large, stylized loop at the end.

David A. McKay, MSc, MCIP, RPP

cc. *Richard Ochshorn, Grace Russo*

A handwritten signature in black ink, appearing to read 'Ryan Moore', with a large, stylized loop at the end.

Ryan Moore, MPI, MCIP, RPP, LEED® AP

Joe Nethery

From: Joe Nethery
Sent: Tuesday, February 11, 2014 11:02 AM
To: 'Ryan Moore'
Cc: 'David McKay'; 'Richard Ochshorn'; 'Grace Russo'; Dana Anderson; Diane Childs; Denis Daoust; Joanna Wice; Joe Nethery
Subject: RE: Town of Oakville New Zoning By-law - Letter to Town for Southdown Builders

Good morning Messrs. McKay and Moore –

I promised at our January 15, 2014 meeting to follow-up re: content in the final draft (v3.0) relating to this submission. By point in your conclusions:

1. Interpretations can only be confirmed once a definitive proposal is presented to staff. That said:
 - a. It is likely that a vocational school would be permitted as a training facility in the proposed Office Employment E1 Zone
 - b. Private schools are proposed to be a permitted use in the Office Employment E1 Zone
 - c. Manufacturing (renamed from “industrial use”), repair shop, warehousing, and food production, but only on lots where the use legally exists on the effective date of this By-law. The interpretation of this language would allow for expansions of current uses and the establishment of new tenancies on those lots.
 - d. Accessory retail store and showroom, to a maximum net floor area of the lesser of 15% or 200 square metres of net floor area. This matches the current proposed permission for the Business Employment E2 and Industrial E3 Zones and gives effect to the additional uses proposed above. The main “retail store” permission of up to 20% of net floor area and in the same building as another permitted use would remain additionally permitted.
 - e. The remaining uses are not permitted within the Office Employment designation of the Livable Oakville Plan. A zoning by-law cannot be more permissive than the official plan it implements, therefore staff cannot recommend adding the remaining requested uses.
 - f. Further to e) above, a place of worship could be considered through a zoning by-law amendment.
 - g. Section 5.1.1 states that parking spaces would only be required where a change in use occurs or where net floor area is added to a building that triggers a higher parking requirement. Section 4.12 would allow a building permit to be obtained on lots where legal non-conformities exist so long as the extent of the non-conformity is not increased.
2. Footnote 7 of Table 8.2 is proposed to be increased to a maximum 1,400 square metres (just over 15,000 square feet) per premises on the first storey. This provides additional leasing flexibility. Staff maintain some form of regulation is both necessary and good planning to ensure that the design objectives of the Livable Oakville Plan and eventual Livable by Design guidelines (an Official Plan Amendment is proposed as part of this work, with the statutory public meeting tentatively scheduled for March 17, 2014) are achieved.

Relief from the maximum premises size regulation can be considered through a variance or zoning by-law amendment, which will be evaluated against the Livable Oakville Plan policies and Livable by Design guidelines.
3. -see below-
4. The final draft (v3.0) recommends redesignating the lands to Business Commercial and placing them in the implementing Business Commercial E4 Zone.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review and “Growth Area Check-ins” scheduled as part of our Long Range Planning section’s work program over the course of 2014

APPENDIX C

and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Ryan Moore [REDACTED]
Sent: Monday, November 04, 2013 3:39 PM
To: Joe Nethery
Cc: David McKay; Richard Ochshorn; Grace Russo; TownClerk
Subject: Town of Oakville New Zoning By-law - Letter to Town for Southdown Builders

Good afternoon Mr. Nethery;

Please find attached a letter outlining our concerns and requests for clarification regarding the draft new Zoning By-law (item 73-214 of tonight's Planning and Development Council).

We would be happy to meet with you regarding the matters discussed in the letter. Could you please advise some dates and times that you and your staff would be available?

Please add us to the notification list for future notices on this matter.

If you have any questions about the attached, feel free to call me.

Thank you,

Ryan Moore, MPI, MCIP, RPP, LEED® AP | Senior Planner

MHBC Planning, Urban Design & Landscape Architecture



Joe Nethery

From: Joe Nethery
Sent: Thursday, January 30, 2014 5:36 PM
To: 'David Blois'
Cc: Joe Nethery; Dana Anderson; Diane Childs; Denis Daoust
Subject: RE: North Service Road West, Oakville

Categories: v2.0 Inputs

Good afternoon David –

Per your email and our site tour (thank you again for facilitating that) on December 4, 2013, I can now confirm that Staff will be recommending to Council, in the final draft (v3.0) of the 2014 Zoning By-law, the following additional use permissions (among others) in the proposed Office Employment E1 Zone:

- Manufacturing (renamed from “industrial use”), but only on lots where the use legally existed on the effective date of the 2014 Zoning By-law (being February 25, 2014).
 - o The interpretation of this language would allow for expansions of current uses and the establishment of new uses on those lots.
- Warehousing, but only on lots where the use legally existed on the effective date of the 2014 Zoning By-law (being February 25, 2014).
 - o The same interpretation as above would apply.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. We will be sending out an email to the project mailing list when the final draft (v3.0) is online and available for review. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: David Blois [REDACTED]
Sent: Friday, December 06, 2013 10:09 AM
To: Dana Anderson; Diane Childs; Joe Nethery
Subject: North Service Road West, Oakville

Dana, Diane & Joe,

APPENDIX C

Thank you for taking the time out of your hectic schedule to meet with me on site at our properties located at:

██████ North Service Road West - Salville Holdings Limited (owner)
and

██████ North Service Road West - North Oakville Holdings Limited (owner)

I am pleased to hear that you will accommodate the owners and tenants of each of the above properties by granting either a special provision or rezoning to E2 (Business-Employment) to carry on with Industrial Uses and Wholesaling & Distribution as permissible uses at each of these locations.

Ideally, the above two properties would be best served with E-2 - Business Employment. Tenancies such as GMD (wholesaling/distributors of pharma products) and Astound Group (light industrial manufacturers of trade show displays) could continue on in occupancy with the possibility of expansion or sale of their businesses without the burden of a legal non-conforming use.

E-2 Zoning would also permit ██████ North Service Road West to continue servicing the small business community as it has for the past 24 years. We don't believe either property will "gain" from a re-zoning to E-2, rather it will simply permit us to carry on offering small business industrial units without needless restriction. As witnessed during our tour, there is a high level of pride of ownership in both properties with significant funds expended each year to maintain class A facilities. This is critical to capture and retain the best tenancies. As I mentioned during our meeting, we are critical of the type of tenancies permitted to occupy our industrial units and simply want to carry on offering quality premises to quality businesses. E-2 zoning will be a critical component of our business.

As discussed, can you kindly confirm that you are in agreement to permit the rezoning of our properties to an E-2 zoning designation?

Once again, thanks for your time. I look forward to your response.

Best regards,

David

Joe Nethery

From: Denise Baker [REDACTED]
Sent: Tuesday, November 05, 2013 12:05 PM
To: Heinz Hecht; Joe Nethery
Cc: Dana Anderson; Jane Clohec; Christina Tizzard
Subject: RE: InZone Submission-[REDACTED] Cornwall Road

Categories: v2.0 Inputs

Thanks Heinz for the clarification. I will let Paul know.

-----Original Message-----

From: Heinz Hecht [<mailto:HHecht@oakville.ca>]
Sent: Tuesday, November 05, 2013 11:55 AM
To: Denise Baker; Joe Nethery
Cc: Dana Anderson; Jane Clohec; Christina Tizzard
Subject: RE: InZone Submission-[REDACTED] Cornwall Road

Denise,

Just to clarify, the subject site has not received conditional site plan approval. Comments were provided to the applicant based on the initial circulation but staff have been waiting for a new submission since 2010. Also, Paul Chronis called today and indicated that he wanted to arrange for a pre-consultation meeting to discuss a revised plan. This should take place within the next few weeks.

Regards,

Heinz Hecht, MCIP, RPP
Manager, Current Planning - East District Planning Services Town of Oakville | 905-845-6601 ext.3311 | f: 905-338-4414
| www.oakville.ca

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-----Original Message-----

From: Denise Baker [REDACTED]
Sent: Monday, November 04, 2013 4:42 PM
To: Joe Nethery
Cc: Cathie Best; Dana Anderson; Jane Clohec; Heinz Hecht
Subject: InZone Submission-[REDACTED] Cornwall Road

Mr. Nethery,

Please see the attached correspondence.

Regards,

November 4, 2013

Denise Baker
Partner

VIA E-MAIL

File 99999.99904

Joe Nethery
Manager, Zoning By-law Project
Planning Services
Town of Oakville
Oakville Town Hall
1225 Trafalgar Road
Oakville, Ontario L6H 0H3

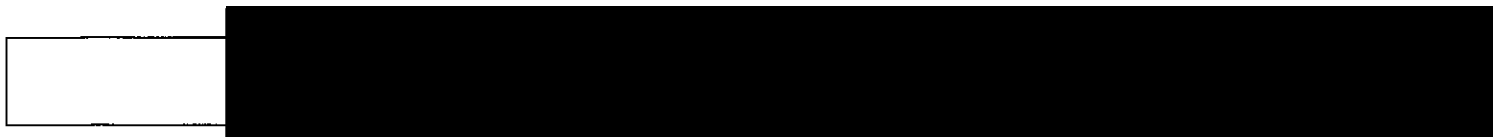
Dear Mr. Nethery:

**Re: Submission respecting Zoning By-law Review (inZone)
- [REDACTED] Cornwall Road, Town of Oakville**

We are solicitors for Storage Spot Holdings (Appleby Line) Corp., owner of property located at [REDACTED] Cornwall Road (the "**subject site**"), in the Town of Oakville (the "**Town**"). The subject site is legally referred to as Trafalgar Concession 3, SDS, Part Lot 5, Reference Plan 20R-18438, Parts 2 and 5. It is approximately 1.421 hectare in size and is located on the north side of Cornwall Road, just east of Maple Grove Drive. There is an existing retail plaza (Maplegrove Village) located directly to the south of the subject site, the former driver's test facility to the west, a creek and a parcel of vacant land to the east, and a hydro substation to the north. The subject site is currently zoned T1 and under the proposed new Comprehensive Zoning By-law ("**inZone**"), the zoning is intended to change to E2.

Our client has an ongoing interest in the Town's processing of the inZone and as such has sought our advice and recommendations respecting the effect of this By-law on the subject site, having regard to its active site plan application (File #1605.022.01).

As the Town is aware, our client received conditional site plan approval in June 2010 for the development of a self-storage facility on the subject site. Since the receipt of the conditional approval, our client has been working diligently to respond to the various site plan circulation comments. Recently, our client reviewed the conditional site plan approval and determined that the proposed self-storage facility layout represented an under-utilization of the subject site in consideration of the new Official Plan and the inZone. In this regard, the conditionally approved



site plan has been re-evaluated and a new configuration is being proposed in the nature shown in the attached draft site plan.

The attached draft site plan continues to provide for a self-storage facility (which is now relocated to the eastern portion of the subject site) contained within a three storey built form comprised of 10,993 square metres. Attached to the northwest portion of the self-storage building is a one-storey rear building comprised of 1,256 square metres (projecting westerly) providing service commercial uses consistent with the range of permitted uses under the Town's current Zoning By-law. Finally, at the southwest frontage of the subject site, a free-standing restaurant building is proposed comprised of 616 square metres.

Our client is in the process of finalizing the attached draft site plan. We anticipate that a formal site plan revision will be submitted to the Town in the very near future.

Given the above developments, our client requested that we conduct a preliminary review of the current draft of the inZone for the purpose of determining if the proposed zoning changes would have any implications on the subject site. Our review has identified that the proposed range of uses are intended to be substantially revised. The purpose of this correspondence is to register our client's concerns with the current draft of the inZone as it relates to the range of uses proposed to be eliminated that are otherwise permitted as-of-right under the existing zoning. We are of the opinion that our client's current site plan application, and any revisions thereto, should be evaluated on the basis of the planning instruments in place at the time of the original application.

It is our submission that the inclusion of uses such as service commercial, financial institution and restaurants in the E2 zone would not undermine the intent of the Official Plan's Business Employment designation which applies to these lands.

Additionally, it is our submission that much like the recently passed City of Toronto zoning by-law, appropriate transition provisions should be included in the inZone that operates to allow development applications that are in the 'pipeline' when the new zoning by-law is enacted to continue under the former zoning rules.

Accordingly, please accept this correspondence as our client's written comments on the inZone. Further, we reserve the right to supplement our concerns as the inZone evolves. Please also accept this correspondence as our formal request that we be provided with any Staff Reports, Council and/or Committee's resolutions, and Notice of Decision by the Town under s. 34(18) of the *Planning Act* with respect to the inZone.

Thank you for your attention to this matter. Should you have any questions or require clarification, please contact Paul Chronis, Senior Planner in our office, [REDACTED]

Yours truly,

WeirFoulds LLP

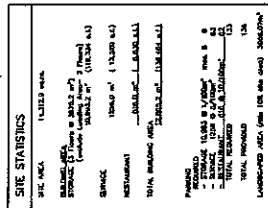
A handwritten signature in black ink, appearing to read "DBake", written over the printed name Denise Baker.

Denise Baker

DB/PC:d
Encl.

c: Cathy Best, Town of Oakville
Jane Clohecy, Town of Oakville
Dana Anderson, Town of Oakville
Heinz Hecht, Town of Oakville
Client

5814708.1

[illegible]

SURVEY INFORMATION TAKEN FROM
CUNNINGHAM MCCONNELL LIMITED
DARTARIO LAND SURVEYORS
TOPOGRAPHIC SKETCH OF
PART OF LOT 5
CONCESSION 3
(South of Dundas Street)
TOWN OF OAKVILLE
REGIONAL MUNICIPALITY OF HALTON
DATED FEBRUARY 29, 2010

Joe Nethery

From: Joe Nethery
Sent: Tuesday, February 11, 2014 1:46 PM
To: 'pchronis' [REDACTED]
Cc: Dana Anderson; Jane Clohecy; Heinz Hecht; Diane Childs; Denis Daoust; Joe Nethery; Joanna Wice
Subject: RE: InZone Submission- [REDACTED] Cornwall Road
Categories: v2.0 Inputs

Good afternoon Paul --

Per Denise's letter of November 4, 2013, I should make you aware of a couple of changes proposed in the final draft (v3.0) of the 2014 Zoning By-law:

1.
Commercial self-storage is proposed to be a permitted use in the Business Employment E2 Zone.

2.
Through the inZone conformity official plan amendment, staff are proposing adding existing service commercial uses (limited to restaurants, financial institutions, and drive-through facilities) and new service commercial uses (subject that the use be permitted on the same lot as another permitted use in the designation) as permitted uses in the Business Employment designation through the inZone Conformity OPA.

The staff recommendation in the final draft (v3.0) of the 2014 Zoning By-law is to permit new restaurants and financial institutions on a lot in the Business Employment E2 Zone, subject to a maximum net floor area of 20% of the total net floor area on the lot and that prior construction has occurred to provide an equal amount of floor space on the lot for a permitted use on the lot not subject to this limitation (i.e. business office, manufacturing). The 20% maximum is derived from current zoning restrictions relating to discounted minimum parking requirements. This amount of scaling is the maximum staff can support outside of a comprehensive review of the commercial and employment lands policy framework. Legal existing uses in stand-alone buildings shall additionally be permitted with no maximum net floor area.

New restaurants or larger restaurants could potentially be considered through a minor variance or zoning by-law amendment.

3.
Planning applications in process remain proposed to be reviewed under the zoning rules in force. This means for some time an application will need to conform to both Zoning By-law 1984-63, as amended, and the 2014 Zoning By-law. Applicants would need to comply with both sets of zoning regulations or seek relief or amendments to one – or possibly both – By-laws.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

APPENDIX C

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services
Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca

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http://www.oakville.ca/privacy_statement.htm

-----Original Message-----

From: Denise Baker [REDACTED]
Sent: Monday, November 04, 2013 4:42 PM
To: Joe Nethery
Cc: Cathie Best; Dana Anderson; Jane Clohecy; Heinz Hecht
Subject: InZone Submission- [REDACTED] Cornwall Road

Mr. Nethery,

Please see the attached correspondence.

Regards,

DENISE BAKER | Partner | T. 905-829-8600 | dbaker@weirfoulds.com

WeirFoulds LLP
[REDACTED]

This e-mail contains information from the law firm of WeirFoulds LLP which may be confidential or privileged. This e-mail is intended initially for the information of only the person to whom it is addressed. Be aware that any disclosure, copying, distribution or use of the contents of this e-mail, without the consent of such person, is prohibited.

November 1, 2013

Denise Baker
Partner

VIA E-MAIL JOENETHERY@OAKVILLE.CA

Joe Nethery, Manager Zoning By-law Project
Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H0H3

Dear Mr. Nethery:

Re: **Town of Oakville Proposed Zoning By-law- inZone**
Joshuas Creek Drive

Please be advised that we represent Upper Middle Road GP Inc. (Carttera) the owner of the lands municipally known as [REDACTED] Joshuas Creek Drive (the "Lands") with respect to their Official Plan amendment, Zoning by-law amendment and Plan of Subdivision that was approved by Council on October 23, 2013.

The zoning by-law that was approved for the Lands, being by-law 2013-096 zones the northwest portion of the Lands H53-C3A(879) and zones the remainder of the Lands H53-E1(836). We understand however that under the proposed zoning by-law (inZone), the portion of the Lands zoned C3A will be changed to E4 and the portion of the Lands zoned E1 will be changed to E2.

Lands to be Zoned E4 under the Proposed Zoning By-law

For the Lands proposed to be zoned E4, we believe the cleanest and easiest way to address the transition to the new zoning by-law would be to simply zone that portion of the Lands E4 without the need for a site specific provision. While we understand that there were certain uses that caused concern to one of the members of Council under the current in-force zoning by-law and thus they were prohibited in by-law 2013-096, the regulations in the proposed zoning by-law are more up to date and would effectively address the concerns raised.

Specifically, the by-law passed by Council (2013-096) would prohibit a food store on the Lands, however the regulations under the proposed zoning by-law would limit the size of any retail use to 2500m², which in our opinion is a more effective means to regulate the nature of the impacts that could arise from a large grocery store (in excess of 2500m²) being located on the Lands.

Lands to be Zoned E2 under the Proposed Zoning By-law

For the portion of the Lands proposed to be zoned E2 under the proposed zoning by-law, there are a number of uses that would no longer be permitted that are currently permitted by by-laws 1984-63 and 2013-096 . These include,

- Drive Through facility
- Vocation school (although this may be now considered a Training Facility which would be permitted)
- Financial Institution
- Restaurant
- Service Commercial Establishment
- Motor Vehicle Dealership
- Motor Vehicle Repair Facility

We would like to ensure that the proposed zoning by-law would continue to permit these uses for the portion of the Lands which would be zoned E2.

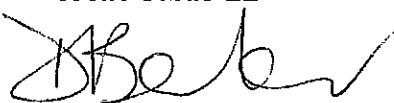
Conclusion

We will continue to review to proposed uses and regulations in the second draft of the proposed zoning by-law as well as any subsequent drafts that may come available and reserve our right to provide further comments at a later date.

Also, we would welcome the opportunity to discuss this matter with you at your convenience. Please advise when might have the opportunity to do so. In the meantime, if you have any questions with respect to the above, please do not hesitate to contact the undersigned or the planning consultants, Kurt Franklin or David Capper at Weston Consulting.

Yours truly,

WeirFoulds LLP



Denise Baker

DB

cc. Client

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 8:48 PM
To: 'David Capper' [REDACTED] 'kfranklin' [REDACTED]
Cc: Dana Anderson; Heinz Hecht; Diane Childs; Denis Daoust; Joanna Wice
Subject: RE: inZone Comments- [REDACTED] Joshuas Creek Drive

Categories: v2.0 Inputs

Good afternoon Kurt and David --

Per Denise's letter of November 4, 2013, staff has the following reply re: [REDACTED] Joshuas Creek Drive. By point in Denise's letter:

1.

The "food store" term is proposed to be deleted from the parent by-law. Instead, the 2500 square metre net floor area maximum is proposed to apply. Any retail store or stores are permitted provided that the floor area maximum is not exceeded. The

2.

Through the inZone conformity official plan amendment, staff are proposing adding existing service commercial uses (limited to restaurants, financial institutions, and drive-through facilities) and new service commercial uses (subject that the use be permitted on the same lot as another permitted use in the designation) as permitted uses in the Business Employment designation through the inZone Conformity OPA.

The staff recommendation in the final draft (v3.0) of the 2014 Zoning By-law is to permit new restaurants and financial institutions on a lot in the Business Employment E2 Zone, subject to a maximum net floor area of 20% of the total net floor area on the lot and that prior construction has occurred to provide an equal amount of floor space on the lot for a permitted use on the lot not subject to this limitation (i.e. business office, manufacturing). The 20% maximum is derived from current zoning restrictions relating to discounted minimum parking requirements. This amount of scaling is the maximum staff can support outside of a comprehensive review of the commercial and employment lands policy framework. Legal existing uses in stand-alone buildings shall additionally be permitted with no maximum net floor area.

Training facilities are proposed to be permitted as-of-right in the Business Employment E2 Zone.

2a.

Motor vehicle dealerships and repair facilities are not permitted as-of-right in the Business Employment designation of the Livable Oakville Plan. In the Automobile Related Uses Study completed as part of the inZone project, these lands were not identified as recommended for motor vehicle use permissions. In the updated final draft (v3.1), the current SP 267 permission for motor vehicle repair and dealership shall be deleted in order to conform to the in effect Livable Oakville Plan.

3.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This is a public process and staff intend on creating a project mailing list using inZone project contacts.

APPENDIX C

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

-----Original Message-----

From: Denise Baker [REDACTED]
Sent: Monday, November 04, 2013 4:56 PM
To: Joe Nethery
Cc: Cathie Best; Dana Anderson; Heinz Hecht
Subject: inZone Comments- [REDACTED] Joshuas Creek Drive

Dear Mr. Nethery,

Please see the attached correspondence. We look forward to your response.

Sincerely,

DENISE BAKER | Partner | [REDACTED]

WeirFoulds LLP
[REDACTED]

This e-mail contains information from the law firm of WeirFoulds LLP which may be confidential or privileged. This e-mail is intended initially for the information of only the person to whom it is addressed. Be aware that any disclosure, copying, distribution or use of the contents of this e-mail, without the consent of such person, is prohibited.

November 1, 2013

Denise Baker
Partner

VIA E-MAIL JOENETHERY@OAKVILLE.CA

Joe Nethery, Manager Zoning By-law Project
Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H0H3

Dear Mr. Nethery:

Re: Town of Oakville Proposed Zoning By-law- inZone
████████████████████ Cornwall Road, Oakville, ON

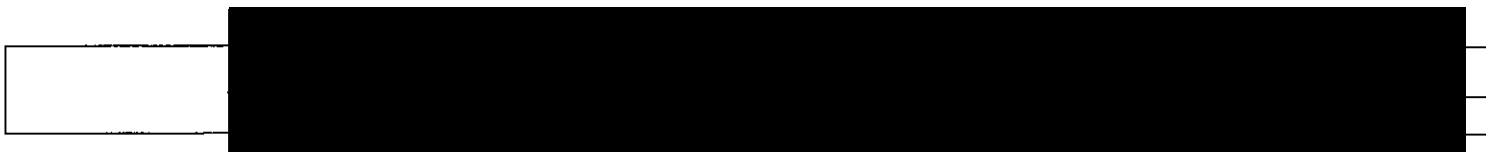
Please be advised that we represent Shorewood Properties Inc., with respect to the recent acquisition of their property at ██████████ Cornwall Road (the "Lands").

The Lands are currently zoned T1, but through the new draft zoning by-law (inZone), they are proposed to be zoned E2.

The building on the Lands is currently vacant and my client is in the process of seeking a new tenant. Of concern to our client is the proposed E2 zoning would down-zone our client's property with respect to a number of uses that are currently permitted in the T1 zone.

Specifically, the E2 zoning would no longer permit uses including:

- Drive Through facility
- Financial Institution
- Restaurant
- Service Commercial Establishment
- Service Establishment- Employment
- Motor Vehicle Dealership
- Motor Vehicle Repair Facility
- Private School
- Limited Retail



Given the location of the Lands and the surrounding uses, it would be entirely appropriate to permit a number of the above mentioned uses to continue under the new zoning by-law. It is submitted that uses such as a restaurant, a financial institution and service commercial appropriately implement the intention of the Business Employment designation under the Official Plan and as such we would like the draft by-law to be amended to reflect to continuation of these uses for these Lands.

We will continue to review the proposed uses and regulations in the second draft of the proposed zoning by-law as well as any subsequent drafts that may come available and reserve our right to provide further comments at a later date.

Also, we would welcome the opportunity to discuss this matter with you at your convenience. Please advise when might have the opportunity to do so. In the meantime, if you have any questions with respect to the above, please do not hesitate to contact the undersigned.

Yours truly,

WeirFoulds LLP



Denise Baker

DB

cc. Client

5841906.1 (Rev. November 1, 2013 5:10 pm)

Joe Nethery

From: Joe Nethery
Sent: Tuesday, February 11, 2014 2:28 PM
To: 'pchronis [REDACTED]
Cc: Heinz Hecht; Dana Anderson; Diane Childs; Denis Daoust; Joanna Wice; Joe Nethery
Subject: RE: inZone comments- [REDACTED] Cornwall Road

Good afternoon Paul --

Staff have the following reply to Denise's letter of November 1, 2013.

Through the inZone conformity official plan amendment, staff are proposing adding existing service commercial uses (limited to restaurants, financial institutions, and drive-through facilities) and new service commercial uses (subject that the use be permitted on the same lot as another permitted use in the designation) as permitted uses in the Business Employment designation through the inZone Conformity OPA.

The staff recommendation in the final draft (v3.0) of the 2014 Zoning By-law is to permit new restaurants, financial institutions, and private schools on a lot in the Business Employment E2 Zone, subject to a maximum net floor area of 20% of the total net floor area on the lot and that prior construction has occurred to provide an equal amount of floor space on the lot for a permitted use on the lot not subject to this limitation (i.e. business office, manufacturing). The 20% maximum is derived from current zoning restrictions relating to discounted minimum parking requirements. This amount of scaling is the maximum staff can support outside of a comprehensive review of the commercial and employment lands policy framework. Legal existing uses in stand-alone buildings shall additionally be permitted with no maximum net floor area.

New restaurants or larger restaurants could potentially be considered through a minor variance or zoning by-law amendment.

The remaining uses remain proposed to not be permitted in the Business Employment E2 Zone as the uses are not permitted in the Livable Oakville Plan.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services
Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca

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BY E-MAIL

November 4, 2013

Mayor and Members of the Planning and Development Council
Town of Oakville
1225 Trafalgar Road
Oakville ON
L6H 0H3

Attention: Your Worship and Members of Council

Dear Sirs/Mesdames:

Re: Proposed Town of Oakville Zoning By-law, 2014-xxx
Client: Calvin Lantz
Property: [REDACTED] Woodside Drive, Oakville
Matter: November 4, 2013 Statutory Public Meeting at Planning and Development Council

I am writing on behalf of my spouse, the registered owner of the property located at [REDACTED] Woodland Drive in the Town of Oakville ("Property"). I am a partner at Stikeman Elliott LLP and practice exclusively in the area of Municipal Law and Land Use Development. I have reviewed the "*Town of Oakville Zoning By-law, 2014-xxx, Second Draft (v2.0), Statutory Public Consultation*", dated September 18, 2013 (the "Draft By-law") and have concerns with the Draft By-law as it may apply to my Property. A few of these concerns are articulated below.

Lot Coverage

My Property is proposed to be zoned RL1-0 by the Draft By-law. The new lot coverage restrictions in Section 6.4.1 and the definition of "lot coverage" in the Draft By-law are problematic.

The definition of "lot coverage" in the Draft By-law,

"means the calculation of the total horizontal area of that part of the *lot* covered by all roofed *structures* and *buildings* above ground level excluding eave projections to a maximum of 0.6 metres and *balconies*."

The definition is ambiguous. What does "total horizontal area" mean? Members of Oakville's Planning Staff have interpreted the term to mean all

horizontal areas on each and every storey of a building must be included in the calculation of lot coverage. Whereas others are interpreting “total horizontal area” to mean only the footprint of the building on the ground (ground floor area). The calculation of “lot coverage” requires clarification.

There is a discrepancy in the lot coverage standard applicable to single storey dwellings and multiple storey dwellings in the -0 Suffix Zones of the Draft By-law. According to Table 6.4 of the Draft By-law the applicable lot coverage standard for a single storey dwelling is that of the parent zone lot coverage standard (for example, in the RL1-0 zone - 30% for the main building). Whereas for a multiple storey dwelling the applicable lot coverage standard is contained in Table 6.4 and there is no qualification that it applies only to the “main building” so the lot coverage standard would therefore appear to apply to all roofed buildings and structures on the lot as per the definition of “lot coverage” (so will include accessory buildings like pool houses, sheds, etc. and private garages too). The lot coverage for multiple storey dwellings specified in Table 6.4 should be qualified as only being applicable to the main building.

Building mass/volume on lots with a -0 Suffix in the Draft By-law is regulated by permitted lot coverage in Table 6.4. According to Table 6.4, maximum lot coverage is reduced for dwellings that are greater than one storey in height. In order to achieve comparable lot densities between single and multiple storey dwellings, the floor area of multiple storey dwellings will have to be maximized and rationalized - two storey box shaped houses with integral garages will be the result. Such a result is contrary to the *“Design Guidelines for Stable Residential Communities”*, as endorsed by Planning and Development Council on April 29, 2013. Since the Ontario Municipal Board gives very little weight to design guidelines, the Town can anticipate that they will be largely unsuccessful in preventing the box-like two storey dwellings that the Draft By-law currently promotes.

Town staff should be encouraged to meet with the development community to understand their issues regarding the proposed density provisions in the Draft By-law for new development in stable residential communities and if appropriate to propose alternative regulations so as to better implement the vision set out in the *“Design Guidelines for Stable Residential Communities”*.

Accessory Buildings and Structures

In the currently applicable zoning by-law, integral private garages are exempt from being included in total floor area/lot area restrictions, where applicable, however, in the Draft By-law integral private garages are not exempt from being included in the lot coverage calculation in the -0 Suffix Zones of the Draft By-law.

Also, Section 6.5.2.c of the Draft By-law states that the maximum lot coverage of accessory buildings and structures (including a private garage) is the lesser of 5% of the lot area or 42 sq. metres, except as specified otherwise by the Draft By-law. If

a private garage on a lot is 56 square metres in area, which is permitted in the RL1-0 zone by the Draft By-law, the private garage appears to have consumed all lot coverage permissions for accessory buildings and structures on that lot according to the Draft By-law. No additional garden sheds or pool houses, etc. would appear to be permitted on such a lot. The maximum lot coverage for accessory buildings and structures in the Draft By-law is significantly less than what is permitted in the currently applicable zoning by-law and represents an unacceptable downzoning of the property.

Transition Provisions

I am concerned with the Section 1.9, *Transition Matters*, provisions of the Draft By-law because they do not appear to be extensive enough.

Regarding Section 1.9.1 of the transitional provisions of the Draft By-law, building permit applications filed with the Town may continue to be processed under the either By-law 1984-63 or 2009-189 (the “Former By-law”) if the applications meet the following criteria: (i) the applications are filed with the Town before the Draft By-law is approved by Council; (ii) the applications are complete applications before the Draft By-law is approved by Council; and, (iii) the developments proposed in the applications comply with all the provisions of the Former By-law before the Draft By-law is approved by Council.

Where a building permit application is filed with the Town before the Draft By-law is approved by Council but the development proposed in the application does not comply with all the development standards of the Former By-law, such a building permit application does not meet the transition criteria of the Draft By-law and the building permit application would be processed under the new By-law as passed by Council.

Based on the current drafting of Section 1.9.2(a) of the transitional provisions of the Draft By-law, minor variances obtained from the provisions of a Former By-law will not continue to be in effect after the Draft By-law is passed by Council unless: (i) the variance decision is granted by the Committee of Adjustment or the Ontario Municipal Board between May 1, 2011 and the date that the Draft By-law is passed by Council; and, (ii) the variance decision is in full force and effect before the Draft By-law is passed by Council.

The transitional provisions of the Draft By-law are not applicable to minor variance decisions in the following circumstances: (i) the variance decision was granted before May 1, 2011; (ii) the Committee of Adjustment has made a decision on a variance application but the appeal period is not complete before the Draft By-law is passed by Council; and (iii) a variance decision has been appealed and no decision is issued by the Ontario Municipal Board before the Draft By-law is passed by Council.

Finally Draft By-law transition provision Section 1.9.2(a) significantly limits the scope and benefit of the transition provisions related to minor variance decisions. The end of Section 1.9.2(a) states the, “exception only applies to those requirements so relieved by the variance”. This is problematic because it means that zoning standards may change part-way through the development process for applicants – which is not fair, it is costly and it will be a source of significant delay. For example, a homeowner makes an investment to buy a property and invests time, energy and resources in having architectural plans prepared to redevelop the property with a new detached multi-storey dwelling. The homeowner obtains a variance decision from By-law 1984-63 to permit increased dwelling length (no other variances are required). Then the Draft By-law is passed by Council and the property is rezoned. If the homeowner subsequently applies to the Town of Oakville for a building permit to construct the new detached dwelling, the Town will be unable to issue such a permit unless the permit plans are revised to comply with the Draft By-law as passed by Council (for everything except for dwelling depth) or additional minor variances are obtained for those development standards of the Draft By-law that are more restrictive than those of By-law 1984-63 (for example, lot coverage).


Regarding Section 1.9.2(b), (c) and (e) of the transitional provisions of the Draft By-law, the provisions of the Former By-law are only applicable to a site plan approval granted before the Draft By-law is passed by Council, however, we question what constitutes a “site plan approval” in Oakville that qualifies under the transition provisions. Also, it would appear that while a site plan approval may qualify under the transitional provisions of the Draft By-law, once a site plan agreement is entered into, the transitional policies may cease to apply. This makes little sense. The language in Section 1.9.2(c) and (e) of the Draft By-law suggests that if you need a building permit to build what you have received site plan approval for, that building permit must comply with the Draft By-law provisions, not the Former By-law provisions under which the site plan approval was processed. This cannot be the intent of the transitional provisions of the Draft By-law.

I have dealt with zoning transition provisions in other municipalities and believe that there are examples that are less confusing and that provide more certainty than those proposed in the Draft By-law. The Draft By-law transition provisions require clarification, strengthening and to be more comprehensive. More comprehensive transition clauses pertaining to the continuation of existing variances, finally approved variances, minor variance applications, site plan approval applications, building permit applications, etc. are proposed in the Town of Milton’s Draft Comprehensive Zoning By-law, dated August 2013, and the City of Toronto has approved transition provisions in By-law 569-2013 that should be reviewed and incorporated into the Draft By-law for Oakville.

This letter raises some concerns with the Draft By-law and hopefully stimulates some discussion on how to resolve such concerns. However, my concerns with the Draft By-law are not necessarily limited to the concerns outlined in this letter and further concerns with the Draft By-law may be introduced at a later date.

Please provide us with notice of Council's decision on the Draft By-law.
Thank you for your attention to this matter.

Yours truly,


For: Calvin Lantz

Certified as a Specialist in Municipal
Law (Land Use Planning and
Development) by the Law Society of
Upper Canada

CWL/nla

cc: Cathie Best, Town Clerk
Sarah Lantz

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 8:34 PM
To: 'Calvin Lantz'
Cc: 'Nancy Adler'; Dana Anderson; Joanna Wice; Diane Childs; Denis Daoust; Joe Nethery
Subject: RE: InZone Comments

Categories: v3.0 Inputs

Good evening Calvin --

Following up on my correspondence, I've realized I spoke too soon in an earlier reply:

"Staff will also be including a recommendation in our next staff report that Council give staff the ability to waive fees for holders of existing Minor Variances should they choose to apply for a variance under the 2014 Zoning By-law to recognize existing conditions. This approach was used in Mississauga in 2007 to address their transition concerns (I note that Mississauga did not include any as-of-right zoning relief regarding existing approvals or transition outside of special provisions)."

Upon further consideration, staff will not be making this recommendation to Council. The transition clauses provide adequate relief in order to ensure approved minor variances can obtain a building permit, in particular if there has been an error or omission in drafting the 2014 Zoning By-law.

I will add this email to the correspondence package being presented to Council on the 25th. Thanks -- Joe

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services
Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca

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-----Original Message-----

From: Joe Nethery
Sent: Tuesday, January 21, 2014 6:55 PM
To: 'Calvin Lantz'
Cc: 'Nancy Adler'; Dana Anderson; Joanna Wice; Joe Nethery
Subject: RE: InZone Comments

Good evening Calvin --

I had thought we were talking on the evening of the 16th. It will be difficult to arrange a subsequent call time, so I'm sending our comments in writing.

Joe Nethery

From: Joe Nethery
Sent: Tuesday, January 21, 2014 6:55 PM
To: 'Calvin Lantz'
Cc: 'Nancy Adler'; Dana Anderson; Joanna Wice; Joe Nethery
Subject: RE: InZone Comments

Categories: v2.0 Inputs

Good evening Calvin –

I had thought we were talking on the evening of the 16th. It will be difficult to arrange a subsequent call time, so I'm sending our comments in writing.

Staff have reviewed your further submission – and again, I'd like to thank you for our conversations and your efforts in helping us improve the clauses. However, we remain of the opinion that:

1. All applications have to be treated equally in terms of having an opportunity to be reviewed and decided upon per the Planning Act. On further deliberation, staff cannot support a regulation that would exclude/exempt/transition one group or class of applications over another.
2. Staff will not recommend adding clauses that result in the transitioning of existing minor variances into the new Zoning By-law.

I should draw your attention to a general provision contained in the second draft (v2.0) of the 2014 Zoning By-law that may provide some additional clarity to the transition clauses. Section 4.12.1 of the By-law allows for a lot with a legal non-conforming building or structure to obtain a building permit under the 2014 Zoning By-law, "provided that the enlargement, repair, or renovation:

- i) Does not further increase the extent or degree of non-conformity; and,
- ii) Complies with all other applicable provisions of this By-law."

I do not see a similar clause in Toronto's Zoning By-law 569-2013, as amended. This approach has been used in other municipalities (Halton Hills as one example) and is used in our North Oakville Zoning By-law 2009-189, as amended. It provides some flexibility to landowners in these situations. Should a landowner seek to increase the extent of non-conformity, an avenue to consider that increase is available through the Committee of Adjustment under Section 45(2) of the Planning Act.

Staff will also be including a recommendation in our next staff report that Council give staff the ability to waive fees for holders of existing Minor Variances should they choose to apply for a variance under the 2014 Zoning By-law to recognize existing conditions. This approach was used in Mississauga in 2007 to address their transition concerns (I note that Mississauga did not include any as-of-right zoning relief regarding existing approvals or transition outside of special provisions).

Residential standards (in particular, the -0 Suffix Zone regulations in Section 6.4) continue to remain under review and further changes are anticipated as part of the final draft (v3.0). An email will be sent to the project mailing list once the By-law and staff report are complete and online.

Thanks --

APPENDIX C

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services
Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca

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-----Original Message-----

From: Calvin Lantz [REDACTED]
Sent: Monday, January 20, 2014 5:29 PM
To: Joe Nethery
Cc: Nancy Adler
Subject: InZone Comments

Joe - just wandering if we agreed on a time for a follow up call.

Cal
Calvin Lantz
[REDACTED]

STIKEMAN ELLIOTT LLP Barristers & Solicitors
[REDACTED]

This e-mail is confidential and may contain privileged information. If you are not an intended recipient, please delete this e-mail and notify us immediately. Any unauthorized use or disclosure is prohibited.

November 1, 2013

via email: joenethery@oakville.ca

Corporation of the Town of Oakville
Planning Services Department
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Attention: Joe Nethery, Manager, Zoning By-law Project

Re: Comprehensive Zoning By-Law Review (inZone) – [REDACTED] Bronte Road

Dear Joe,

We are writing to provide comments with respect to the latest draft of the updated “inZone” Comprehensive Zoning By-law (September 18, 2013).

[REDACTED] Bronte Road is currently zoned C3A(7i) which permits a number of uses including “motor vehicle service station”, “motor vehicle washing facility”, and “take-out restaurant” including an associated drive thru facility.

It has come to our attention that under the proposed Zoning By-law the zoning has been changed to an Existing Development “ED” zone. The “ED” zone only permits legal existing uses, open space uses, and community uses. The site is currently vacant.

We would like to request an amendment to the proposed zoning to change the proposed zone category from an “ED” zone, to a zone that permits uses currently permitted under the “C3A(7i)” zone, such as the “E4” zone.

We appreciate the opportunity to provide comments on the latest draft of the updated By-law. Please feel free to contact me if you have any questions.

Regards,

Peter Bulut
President

Joe Nethery

From: Joe Nethery
Sent: Tuesday, December 10, 2013 3:31 PM
To: 'Peter Jr'
Cc: Ralph Robinson; Jane Clohec; 'greg [REDACTED]' 'dave [REDACTED]' Dana Anderson; Diane Childs; Denis Daoust
Subject: RE: 595 Bronte Road
Categories: v2.0 Inputs

Good afternoon all –

To confirm, I spoke by phone with Mr. Bulut on Friday re: his submission. Staff have reviewed the letter and believe that the issues to be addressed are better reviewed through other processes. Accordingly, in the final draft (v3.0) Staff will be recommending placing this property in the Business Commercial E4 Zone. This would permit the motor vehicle service station and accessory retail (to a maximum floor area of 2,500 square metres) and service commercial uses as-of-right on the property. Full compliance with zoning would be reviewed at the time of application.

(I should note that there are other letters associated with Pioneer Fuels submitted as part of the inZone project. Staff will respond to those in due course to those authors.)

That said, I'm not sure there is a need for the scheduled meeting on Friday, which was to discuss this letter. I shall send a cancellation notice shortly to those attendees.

I will add Peter to the project mailing list to receive further updates. A copy of this reply will be included in the correspondence package forming part of the next staff report.

Thanks –

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Peter Jr [REDACTED]
Sent: Wednesday, November 06, 2013 5:58 PM
To: Joe Nethery
Cc: Ralph Robinson; Jane Clohec; 'greg [REDACTED]' 'dave [REDACTED]' Dana Anderson; Diane Childs; Denis Daoust
Subject: Re: [REDACTED] Bronte Road



ZELINKA PRIAMO LTD
A Professional Planning Practice

VIA EMAIL AND REGULAR MAIL

November 7, 2013

Corporation of the Town of Oakville
Clerk's Department
1225 Trafalgar Road
Oakville, ON L6H 0H3

Attention: Ms. Cathie Best, Town Clerk

Dear: Ms. Best

**Re: Town of Oakville inZone Review
Second Draft
Comments on Behalf of Loblaw Properties Limited
Our File: LPG/LPL/94-01**

We are the planning consultants for Loblaw Properties Limited ("Loblaws") and Choice Properties REIT, which is the owner or lease holder of the following lands within the Town of Oakville:

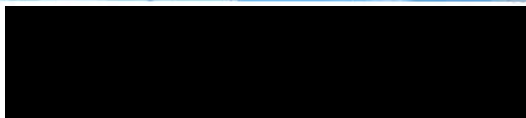
- Loblaws at 201 Oak Park Boulevard;
- Fortinos at 173 Lakeshore Rd West;
- Retail Plaza at 180-183 Lakeshore Rd West;
- No Frills at 125 Cross Ave.;
- No Frills at 1395 Abbeywood Drive; and
- New Fortinos at Neyagawa and Dundas opening in 2014.

We have been monitoring the inZone review process and have reviewed the Town's Zoning By-law on behalf of Loblaws. In general, our client wants to ensure that the development potential and current existing permissions for their sites will not be compromised by the new By-law; not simply recognized as legal non-conforming uses but permitted as of right.

We appreciate your response letter to the comments that we submitted on July 2, 2013 with regard to the June 2013 Draft Zoning By-law and our follow up meeting on July 30, 2013. Our comments relate to your most recent response letter dated October 22, 2013 and commitments made at our meeting in July.

We have preliminary comments for the September 2013 Draft Zoning By-law as outlined below, and may provide further comments as required. At this time, our preliminary comments are as follows:

1. In our submission, the Town should consider allowing minor additions on existing retail buildings by up to 15% without the need for an application to the Committee of Adjustment; anything larger than 15% could be comprehensively reviewed to ensure that the policy intent of the Town is maintained;



November 7, 2013

2. Based upon our review, the parking standards for retail stores including food stores have not been amended in the second draft. The parking rate currently proposed for retail stores in the Draft Zoning By-law will result in an unnecessary surplus of parking for food stores. We reiterate, parking requirements for food stores and all shopping facilities should not be increased. The Town should encourage a more balanced mode split between transportation options. Section 1.6.5.4 of the Provincial Policy Statement states: "A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus". As an example, Loblaws located at 201 Oak Park Boulevard is zoned MU3⁻⁴² & MU4⁻⁴² in the draft By-law, the required parking for this property would increase from 1 space per 28m² of leasable floor area to 1 space per 18m² of leasable floor area. In a one-on-one meeting, Town Staff committed to revisiting these parking rates;
3. Section 9.4.1 a) (Driveways) of the draft By-law states: Direct vehicular access to parking, servicing or loading areas is not permitted from: Church Street, Kerr Street, Lakeshore Road East, Lakeshore Road West, Randall Street. This proposed policy still impacts two of our sites: Fortinos at 173 Lakeshore Rd West and Retail Plaza at 180-183 Lakeshore Rd West. We respectfully request that these existing driveways will be considered legal entrances; and
4. As per discussion from our meeting on July 30th, 2013 Staff confirmed special provision 42 would be amended to reflect the total net floor area cap of 58,000 as per a previous OMB decision. Thank you for clarifying in your response letter that "58,000 square metres" is the correct number and will be amended in the Draft Zoning By-law.

Should you have any questions, or require further information, please do not hesitate to call.

Yours very truly,

ZELINKA PRIAMO LTD.



Edward Terry
Senior Planner

cc. Mr. Mario Fatica, Loblaw Properties Limited
Mr. Steve Zakem, Aird and Berlis LLP

Joe Nethery

From: Joe Nethery
Sent: Thursday, November 07, 2013 4:00 PM
To: [REDACTED]
Cc: Heinz Hecht; Matt Rubic; [REDACTED] Joe Nethery
Subject: [REDACTED] Randall: Applications Potentially Required
Attachments: ba-bldgpermit-May13.pdf; Homeowner Residential Building Permit Guide.pdf
Categories: v2.0 Inputs

Good afternoon John –

I've spoken with two of our staff here (cc'd to this email) to try and figure out the scenario for your renovation.

First things first, staff have reviewed the current zoning and noticed that your property is subject to a Special Provision today permitting the detached dwelling. The permission was obtained in 1968. This use permission conforms to the Livable Oakville Plan and as such I am comfortable recommending that the Special Provision be carried forward into the 2014 Zoning By-law recognizing the permitted use. The issue of the changing use permission is no longer a concern (provided Council supports the staff recommendation).

It's almost certain that a building permit will be required for the renovation. Zoning compliance is one of the checks staff undertakes when reviewing permit applications. At first glance, it appears as though there is an issue with respect to landscaping adjacent to zones in a residential lot. Your lot abuts two such properties: the rear half of [REDACTED] Dunn and the Dunn Street townhouses. Both of Zoning By-law 1984-63, as amended, and the proposed 2014 Zoning By-law would require a 3.0 metre-wide width of landscaping along the applicable stretches of lot line:

- Under ZBL 1984-63, that would be along the rear lot line (Dunn Street townhouses) and the rear of [REDACTED] Dunn Street (in a residential zone today)
- Under the 2014 ZBL, that would only be along the rear lot line (Dunn Street townhouses). [REDACTED] Dunn Street is proposed to be rezoned to Central Business District CBD like your two lots.

Zoning By-law 1984-63, as amended requires 30 square metres of "personal recreational space" appurtenant to the building, which could be included as a patio (this is not proposed to be carried forward in the 2014 Zoning By-law).

You can either comply with the regulations or apply for a Minor Variance from the By-law seeking relief from these requirements. Matt Rubic, one of our zoning officers, can advise on these matters. His extension is 3361. Matt's team will also be able to advise if a Site Alteration Permit is required (if volumes of soil being added or removed are greater than 20 cubic metres in volume). With a basic concept plan available, I would hope they could estimate if the additional permit is required based on their experience.

With respect to the Site Plan, if there is no "increase of usability" of the site (i.e. more floor area), a Site Plan Approval may not be required. I am not sure if or how a deck (small or large) would be interpreted. With respect to the zoning issues above, if you choose to pursue the Minor Variance option Planning Staff would provide comment on the applications. Heinz Hecht, the Manager of Current Planning for your part of Oakville can speak to both of these matters. His extension is 3361. He will need a fairly detailed description of your plans – and potentially a plan drawing showing the layout of your site – to confirm application requirements.

APPENDIX C

As a next step, I would think you are probably ready to file a building permit application. With the use permission issue resolved, there is no longer a time sensitivity issue from the Town's end so you don't have to rush in for the permits for that reason alone. I have attached the building permit application form and homeowner's guide for obtaining permits. If you are working with a contractor or architect this should be pretty standard stuff for them. For questions on detailed information requirements, I would ask to speak with one of our building officers in Building Services (call our switchboard and they'll forward you to the right contact). If problems emerge, they will get you into the right process.

Good luck with your renovation plans. We look forward to hearing from you or seeing your plans drawn up.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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Reply To: Joel D. Farber



November 8, 2013

VIA EMAIL

Joe Nethery
Manager, Zoning By-law Project
Planning Services Corporation of the Town
of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

Dear Mr. Nethery:

Re: Comprehensive Zoning By-law Review

We are the solicitors for RioCan Real Estate Investment Trust and its related entities ("RioCan"). RioCan owns four retail facilities in the Town of Oakville as listed on Schedule A hereto.

We are in the process of reviewing the proposed zoning amendments and the effect on the RioCan properties. We would request that no changes be made to the existing zoning which would in any way be more restrictive than the various standards currently applicable. We would also request your information and advice that the proposed zoning permissions and performance standards are no more restrictive than currently existing.

Although we have not yet completed our review, we note that the Trafalgar Ridge Shopping Centre (██████ Trafalgar - Winners Plaza) is currently permitted to have heights of 16m (4 storeys) within 60m of the road frontages whereas the proposed zoning appears to reduce this permission to the standard 12m height restriction.

In respect of Oakville Place, it would appear that the proposed by-law, including proposed special exception 64, is more restrictive in terms of the permitted projections from the roof.

Also, with respect to Oakville Place, we would request further consultation with staff to determine whether or not the current and proposed building envelope restrictions should be carried forward in the new zoning by-law. Elimination of the building envelope standards would then provide zoning permission for additional buildings outside of the mall proper, which could serve to enhance and intensify the site.



Please ensure we are provided with notice of any further consideration of the draft by-law by Council or a committee thereof.

We look forward to hearing from you in respect of the foregoing.

Yours truly,

FOGLER, RUBINOFF LLP

“Joel D. Farber”

Joel D. Farber

JDF/ay

cc: Stefan Wisniowski



January 23, 2014

Reply To: Joel D. Farber



Our File No. 95/1790

VIA EMAIL

Joe Nethery
Manager, Zoning By-law Project
Planning Services Corporation of the Town
of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

Dear Mr. Nethery:

Re: Comprehensive Zoning By-law Review - inZone

We are the solicitors for RRL Burloak Inc. and related entities (collectively “RioCan”) that own lands in the south east quadrant of the QEW and Burloak Drive, including developed land on the north side of Wyecroft Road, as well as undeveloped land on the south side of Wyecroft Road, west of the creek block.

We thank you for considering our earlier comments on the draft zoning by-law and engaging us in a discussion concerning the latest draft. Following our review and our discussions with you, we wish to confirm our concerns as we have expressed:

1. The Special Provision for the C3 lands (currently identified as #259) should provide as follows:
 - a. Maximum unit size for retail store should only apply to general merchandise stores as per the existing zoning exception, and not to all retail stores;
 - b. Net Floor Area exclusive of cinemas and theatres should be 54,811 sq.m., and not 41,811 sq.m as per the draft;
 - c. Maximum outdoor sales area provisions no longer apply to either the food store or the home improvement store and therefore there is no need for proposed provisions 15.259.2;
 - d. Seasonal garden centres should not be included in net floor area;
 - e. Parking ratio as per existing exception should be included and applied to net floor area.
2. The Special Provision for the E2/E3/E4 lands (currently identified as #260) should be amended as follows:

- a. Lands currently zoned C3A south of Wycroft Road are not subject to the existing floor space restriction in special provision 754 and therefore there should be no special floor space cap for these lands;
- b. The existing floor space cap is not otherwise appropriately implemented in the new zoning by-law as the existing special provision provides a formula for application of the cap. Net floor area for hotel, office and light industrial uses do not utilize the cap on a square foot per square foot basis, but rather only a proportion of that space is to be counted;
- c. Also included in the cap is any unutilized net floor area from the C3 lands however this allocation is not reflected in the draft exception zone 260.

In addition to the foregoing, we would ask that City staff consider the elimination in its entirety of the floor space cap for the E2/E3/E4 lands. The purpose of the floor space caps was related to implementation of improvements to the road network, all of which have been completed with no further major improvements required. As a result, the floor space cap on the employment zone lands is redundant. Furthermore, as a result of ownership division of the subject lands, separate properties are required to share floor space allocations, which can be problematic as development on one property might adversely affect development potential on the other lands subject to the cap.

We look forward to hearing from you in respect of the foregoing.

Yours truly,

FOGLER, RUBINOFF LLP

“Joel D. Farber”

Joel D. Farber

JDF/ay

cc: Stuart Craig

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 11:55 AM
To: 'Farber, Joel D.'
Cc: 'Stuart Craig'; Dana Anderson; Diane Childs; Denis Daoust; Joanna Wice; Joe Nethery
Subject: RE: inZone - RRL Burloak Submission

Categories: v2.0 Inputs

Good morning Joel –

Staff has the following reply to your letters of November 8, 2013 and January 23, 2014. By property:

Trafalgar: Winners Plaza

- The updated SP reflecting the increased height was omitted in oversight from the final draft (v3.0). An updated Special Provision shall be contained in the updated final draft (v3.1) being released this week/ in the final memorandum to Council (v3.1) on February 25.

Oakville Place

- Additional skylight projections proposed in Section 4.6.5 would apply to provide some flexibility for future installations. A review of the building envelope remaining could be considered through a development application on site.

Burloak Lands Commercial

- To solve the hardware store size, the updated SP 259 exempts one retail store from the maximum floor area per retail store regulation. That retail store would be the Home Depot
- The floor area maximum exclusive of cinemas and theatres has been corrected.
- The “one lot” recommendation allows additional flexibility with respect to yards and parking requirements. Staff are recommending it remain in the By-law.
- Outdoor display and sales are proposed to count as net floor area when occupied by a building.
- The “multiple premises” parking rate in Table 5.2.1 reduces the parking rate above 2,500 square metres net floor area to 1/22.0 sq.m net floor area. The current requirement in Zoning By-law 1984-63, as amended, is 1/18.0 sq.m for all leasable floor area. The new regulation should provide more flexibility.

Burloak Lands Employment

- The mapping south of Wyecroft Road has been corrected in the final draft (v3.0).
- It is recommended that the employment lands floor area maximum shown currently applying in the QEW/Burloak area be deleted. The primary issue related to the maximum – traffic flow and access to the QEW – has been resolved with the opening of the second interchange ramp.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery

From: Joe Nethery
Sent: Thursday, January 30, 2014 6:02 PM
To: 'Planning Solutions'
Cc: Dana Anderson; Diane Childs; Denis Daoust; Joe Nethery
Subject: RE: Harvest Bible Chapel - [REDACTED] Great Lakes Boulevard

Categories: v2.0 Inputs

Good afternoon Rob –

Per your November 8, 15, and 25 emails, I can finally confirm the following information:

- Special Provision 25 shall be unique to Harvest Bible Chapel's west end location in the final draft (v3.0). The other places of worship in question require their own Special Provisions for other reasons and staff cannot combine the permission at this time.
- Having re-reviewed the Livable Oakville Plan policy applying to the property, staff will include private schools as an additional permitted use on the property in the Special Provision.
- Staff will recommend, in the adjusted Special Provision, including day care as a permitted use on your client's property. Staff are recommending not permitting day cares as-of-right in the Business Employment E2 Zone, a change that will be shown in the final draft (v3.0). The use would be permitted on your client's land.
- The uses listed in your second point of the November 18 email – **administrative offices, meeting rooms, kitchen facilities, church library** – are *likely* accessory uses naturally and normally incidental to the main place of worship use, and would be permitted under Section 4.2 of the second draft (v2.0) of the 2014 Zoning By-law. This is ultimately context-driven and would be reviewed at the time of an application or complaint on the property. Staff are happy to review any building plans to confirm this interpretation. Food bank is proposed to be restored as a separate use and term in the By-law in the Business Employment E2 Zone.
- Other appropriate uses for the property would be those identified in the parent Business Employment E2 Zone and zoning Special Provision.


Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. We will be sending out an email to the project mailing list when the final draft (v3.0) is online and available for review. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Planning Solutions [REDACTED]
Sent: Monday, November 25, 2013 2:38 PM
To: Joe Nethery
Subject: RE: Harvest Bible Chapel - [REDACTED] Great Lakes Boulevard

Joe:

Further to my E-Mail below and our subsequent discussions regarding the same I provide the following two additional comments for your review and consideration:

-I would respectfully suggest that the Harvest Bible Chapel site should have its own zoning exception number rather than being lumped in with others

-can you please confirm that planning staff will be recommending the removal of the day care use from the E2 Employment zone which is currently being proposed as a permitted use – I am not certain that the Elders at Harvest would be supportive of this proposed recommendation based on the locational characteristics of our site and the location of our existing building on site – in this regard the day care use which is an educational facility as permitted in the approved Official Plan should also be permitted use on the Harvest site

I look forward to receiving a reply E-Mail from at your earliest opportunity regarding my E-Mails.

We would be pleased to meet with you if so required to further discuss my E-Mails.

Regards,

Rob Freeman MCIP, RPP
Freeman Planning Solutions Inc



From: Planning Solutions [REDACTED]
Sent: Monday, November 18, 2013 12:53 PM
To: 'Joe Nethery'
Subject: RE: Harvest Bible Chapel - [REDACTED] Great Lakes Boulevard

Joe:

Further to our E-Mail exchange below I provide the following additional comments:

-although a private school is not yet operating from the church the church facility has been carefully designed to easily accommodate this use


-with respect to accessory uses these include administrative offices, meeting rooms, kitchen facilities, church library, food bank (Harvest Market) where food is distributed to the needy etc


-based on your extensive experience with the draft Zoning By-law are there other uses that you think are appropriate and should be included in our site specific Zoning By-law

Your assistance is greatly appreciated.

Regards,

Rob Freeman MCIP, RPP
Freeman Planning Solutions Inc



From: Joe Nethery [<mailto:JoeNethery@oakville.ca>]
Sent: Friday, November 15, 2013 7:15 PM
To: 'Planning Solutions'
Subject: RE: Harvest Bible Chapel -  Great Lakes Boulevard

Hi Rob – they have a private school on site? Are there any other more-than-accessory uses we should be aware of?



Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Planning Solutions 
Sent: Friday, November 08, 2013 1:48 PM
To: Joe Nethery
Subject: FW: Harvest Bible Chapel -  Great Lakes Boulevard

Joe:

Further to my E-Mail below, the attached and your attached response dated May 6th I have reviewed the revised draft Zoning By-law dated September 18 2013 and it appears to me that the draft Zoning By-law needs to be further amended to permit educational facilities (private schools) on the Harvest Bible Chapel Site being lands zoned E2-25 (see attached Zoning extracts) in accordance with the uses permitted in the approved Official Plan.

Can you please call me to further discuss this important matter.

Regards,

Rob Freeman MCIP, RPP
Freeman Planning Solutions Inc



From: Planning Solutions [REDACTED]
Sent: Monday, May 06, 2013 10:44 AM
To: 'Joe Nethery'
Cc: Collin Spithoff; Greg McFarlane
Subject: Harvest Bible Chapel - [REDACTED] Great Lakes Boulevard

Joe:

Further to your E-Mail below, and on behalf of Harvest Bible Chapel Oakville, which is situated at [REDACTED] Great Lakes Boulevard, and legally described as [REDACTED] (see attached registered plan) I am sending this E-Mail to advise that a site specific zoning exception will be required on this parcel to ensure conformity with attached Section 7.1.2 i) from the approved Liveable Oakville Plan where a Place of Worship and associated educational facility is permitted on a site greater than 2 hectares (see attached development policy). From reviewing attached proposed Zoning Map 24(4) the subject lands have been zoned Employment (E2) Zone. Can you please confirm by reply E-Mail that a site specific zoning exception will be provided in the new Zoning By-law on the subject lands.

I would be pleased to further discuss the above with you.

Regards,

Rob Freeman MCIP, RPP
Freeman Planning Solutions Inc

[REDACTED]



November 1, 2013

Mayor and Members of Council
c/o Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville ON
L6H 0H3

Dear Mayor and Members of Council:

**Re: Public Consultation on Second Draft of Zoning By-law
Coptic Church, Day nursery and Private School, [REDACTED] Invicta Drive**

Thank you for the opportunity to review the second draft of the Town of Oakville Zoning By-law. We have reviewed this on behalf of our client, the Coptic Church, and offer the following comments

Town Council passed By-law 2013-050 on August 6, 2013 to permit a private school to be operated on the site in conjunction with the Place of Worship use and a Day nursery. The text of the amendment, which recognizes a specific, required parking ratio for all uses on the site has been carried forward in v2.0 of the draft Zoning By-law as Special Provision 328 and we appreciate that effort. Approximately half of the required parking for the combined church, private school and proposed day nursery will be located on the playground for the private school and is intended to be used for church parking on weekends. Special provision 328 should be revised to reflect that 50% of the required parking is permitted on the playground area. As this area is to be paved, no exemptions from the types of surface materials or the provision of continuous curbing is required.

A second issue pertains to the maximum front yard of 19.5 m for the proposed E2 zone. The current site plan which is in the final stages of approval shows a building setback of 42 m to accommodate required parking on the site as well as access to the east and west side yards of the project. An exemption from this maximum front yard setback should be provided in special provision 328 to recognize the proposed setback.

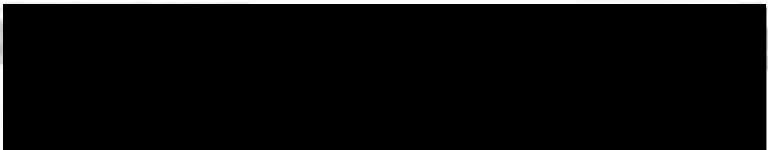
We would be pleased to have further discussions with staff regarding these changes to Special provision 328. We anticipate that our clients concerns can be resolved with revisions to the wording of the special provision.

Yours truly,

A handwritten signature in black ink, appearing to read "Ruth Victor", is written over a horizontal line.

Ruth Victor MCIP, RPP

cc. Mr. Joe Nethery
Manager, Zoning By-law Project





November 4, 2013

Mayor and Members of Council
c/o Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville ON
L6H 0H3

Dear Mayor and Members of Council:

**Re: Public Consultation on Second Draft of Zoning By-law
Halton Interfaith Council**

Thank you for the opportunity to review the second draft of the Town of Oakville Zoning By-law. We have reviewed this on behalf of our client, the Halton Interfaith Council, and offer the following comments

The Halton Interfaith Council has been working with the Town of Oakville for a number of years to develop an appropriate and balanced regulatory approach to addressing places of worship and other issues of concern related to the faith communities. Our client appreciates the time that staff has taken to meet with the Interfaith Council to discuss the proposed zoning provisions and to address the concerns raised to date.

There are however a number of matters that remain outstanding. Most of these matters have been previously discussed with staff but in our opinion are best documented for the record at this time. These are listed below:

- The definition of a commercial plaza should include community uses;
- Parking standards for places of worship have been increased which is of concern. The current parking standards is 1 space for each member of staff and 1 space for each 5 persons who can be accommodated in the main places of assembly. The proposed standard is 1.0 per 5 persons capacity for the place of worship area of worship plus 1.0 per 20.0m² net floor area for any additional accessory assembly area. It is not clear why the parking standard has been increased in this manner and our client is requesting that the current standard be maintained.
- The first draft of the zoning by-law permitted places of worship in E1, E2 and E4 zones subject to the size of the facility being a maximum 50% of the building area. The 2nd draft removed places of worship from all employment zones. This use is permitted within the Livable Oakville Plan and should be identified as a permitted use similar to other sensitive land uses such as daycare and private schools;
- 10.2 (2) Add place of worship to the list where daycares are permitted but exclude places of worship from the 20% maximum floor area;
- Table 11.2(6) should include private school as well as day care;
- Table 11.2 Include dwelling as a permitted use in conjunction with a place of worship;

- It is still not clear how temporary events will be treated within the context of the zoning by-law. We understand that staff will be providing further direction on this matter; and
- The Zoning by-law defines emergency housing but it is not a permitted use in any zone category. The provision of special needs and emergency housing is an important part of providing for the needs of all residents within our community.

We look forward to discussing these matters further with staff.

Yours truly,



Ruth Victor MCIP, RPP

cc. Mr. Joe Nethery
Manager, Zoning By-law Project



November 1, 2013

Mayor and Members of Council
c/o Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville ON
L6H 0H3

Dear Mayor and Members of Council:

**Re: Public Consultation on Second Draft of Zoning By-law and
Official Plan Amendment File: 42.24.005
Ice Twice Rinks Inc. - [REDACTED] Speers Road**

Thank you for the opportunity to review the second draft of the Town of Oakville Zoning By-law and the accompanying Official Plan Amendment. We have reviewed these documents and offer the following comments.

As set out within the public notice for the Official Plan Amendment, the primary purpose of the proposed Official Plan Amendment is to incorporate into the Livable Oakville Plan modifications to support the approval of the Zoning By-law with the effect of recognizing several legally existing uses of land through new use permissions. It is our client's request that the legal uses on this property be recognized within the Official Plan.

The existing use on the property for an athletic facility and an accessory dry land training facility is a permitted use under the current Zoning By-law which zones the subject lands as E2 - General Employment and permits an 'Athletic Facility' defined as "an arena, building, or part of a building, equipped for the conduct of sports or physical exercise.

The New By-law designates the lands as E3-V - Industrial, which no longer lists a 'Sports Facility' as a permitted use. As this use was legally established under the Zoning By-law, it should be recognized on a site-specific basis within the new Zoning By-law. A variance for this site property was granted by the Committee of Adjustment (CAV A/056/2009) permitting 120 parking spaces, a 1.2 m buffer strip abutting Speers Road and a landscape area of 7.12%

It is our request that a site specific provision be added within the Zoning By-law to recognize the approved site standards as set out above and the permitted use of an athletic facility.

We look forward to discussing this matter further with planning staff.

Yours truly,

A handwritten signature in black ink, appearing to read "Ruth Victor". The signature is fluid and cursive, with the first name "Ruth" and last name "Victor" clearly distinguishable.

Ruth Victor MCIP, RPP

cc. Mr. Joe Nethery
Manager, Zoning By-law Project



October 31, 2013

Mayor and Members of Council
c/o Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville ON
L6H 0H3

Dear Mayor and Members of Council:

**Re: Public Consultation on Second Draft of Zoning By-law and
Official Plan Amendment File: 42.24.005
[REDACTED] Trafalgar Road – Beaulieu Place**

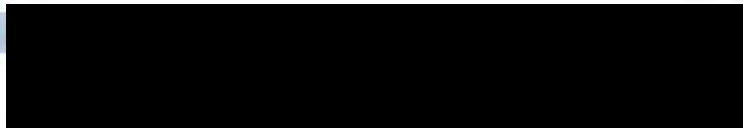
Thank you for the opportunity to review the second draft of the Town of Oakville Zoning By-law and the accompanying Official Plan Amendment. We have reviewed these documents and the Town of Oakville's response letters dated October 23, 2013 on behalf of our client, KayDay Inc., owners of Beaulieu Place at [REDACTED] Trafalgar Road, and offer the following comments.

As set out within the public notice for the Official Plan Amendment, the primary purpose of the proposed Official Plan Amendment is to incorporate into the Livable Oakville Plan modifications to support the approval of the Zoning By-law with the effect of recognizing several legally existing uses of land through new use permissions. It is our client's request that the legal uses on this property be recognized within the Official Plan.

We were concerned regarding the comments provided by planning staff on October 23, 2013 that the apartment use is not a legal use as it was not addressed in the previous Minor Variance Application in 1986. David Nelson from my office met with Mr. Peter Kozelj on October 30, 2013 and confirmed that based on the review of the history of the property and the current zoning provisions that the apartment use on this site was in fact a legal use and not an illegal use nor a legal non-conforming use.

As noted in your letter, the office use was permitted under CAV A/34/86 subject to specific restrictions set out within the decision and is a legal use on the property. We appreciate that staff have offered to include a special provision to permit the office use. We note that the decision of the minor variance did not restrict the office use to a home occupation and we do not support this reference being included within the special provision. It is our position that all legal uses on the property as well as the site-specific setbacks and development standards should be included within the special provision on these lands.

As noted in our previous correspondence, this property is designated under Part IV of the Heritage Act. The ongoing legal use of the building for these two uses assists in the preservation of this historical structure and does not contemplate any changes to the existing heritage building and present uses.



We appreciate the Town of Oakville response letter of October 23, 2013 but it does not address the issues or concerns of our client as set out within our original submission letter. We look forward to discussing this matter further with planning staff.

Yours truly,

A handwritten signature in black ink, appearing to read "Ruth Victor".

Ruth Victor MCIP, RPP

cc. Mr. Joe Nethery
Manager, Zoning By-law Project

Ruhia Jokhio
[REDACTED]
[REDACTED]

Barristers & Solicitors

Brian J. Hanna	Larry S. Gangbar
Kenneth W. Watts	Jarvis G. Sheridan
Robert A. Watson	* Tanya A. Leedale
Harold R. Watson	Robert Krizman
Gayle Wadden	† James McAskill
Marian G. Gage	Chantel Goldsmith
Danny Chou	Ruhia Jokhio
Owen J. Duguid	Carolyn M. McCarney
Alexandra Manthorpe	Counsel: Paul D. Stunt

* Certified Specialist (Corporate and Commercial Law)

† Certified Specialist (Real Estate Law)

November 18, 2013

Via email and regular mail

Joe Nethery, Manager Zoning By-law Project
Town of Oakville
1225 Trafalgar Road
P.O. Box 310
Oakville, ON
L6J 5A6

**RE: Public Consultation on Second Draft of Zoning By-law and Official Plan
Amendment File 42.24.005**

**MM Sam Ltd.: [REDACTED] Lakeshore Road East, [REDACTED] Lakeshore Road West, [REDACTED]
Lakeshore Road West, [REDACTED] Lakeshore Road West, [REDACTED] Kerr Street
Our File No.97789**

We act on behalf of MM Sam Ltd. owners of the following five properties in the Town of Oakville:

- [REDACTED] Lakeshore Rd. W.;
- [REDACTED] Lakeshore Rd. W.;
- [REDACTED] Lakeshore Rd. W.;
- [REDACTED] Kerr St.; and
- [REDACTED] Lakeshore Rd E.

Thank you for the opportunity to review the second draft of the Town of Oakville's Draft Zoning By-law and accompanying Official Plan Amendment. We have reviewed the draft by-law on behalf of our client, and offer the following comments:

Access to Lakeshore Rd.

All five properties currently front onto Lakeshore Rd. The property at [REDACTED] Lakeshore Road West currently contains a driveway accessing Lakeshore Rd. The [REDACTED] Lakeshore Rd W and [REDACTED] Kerr Street properties both currently have accesses to Lakeshore Road West. Additionally, [REDACTED] Kerr St., contains an access onto Kerr Street. Under the Draft By-law, s. 8.4(a) access onto both Kerr Street and Lakeshore Road are being restricted. This severely limits the ability of my client to develop all of the above properties, especially on [REDACTED] Kerr St.

[REDACTED] Lakeshore Rd. W.

The Draft Zoning By-law proposes a special provision H1-MU1 for [REDACTED] Lakeshore Rd. W. The holding provision proposed would constrain or prevent the expansion of the existing buildings on the above properties.

There is a site specific provision “-8” for [REDACTED] Lakeshore Rd. W. A site specific provision is appropriate; however, there are additional items that need to be included within this provision. Under the Current By-law the property has SP 435, which provides for additional regulations pertaining to the driveway onto Lakeshore Road West. At a minimum, these provisions should be carried forward.

The minimum height for both of the properties under the Draft Zoning By-law at Table 8.3 is set at 2 storeys. However, currently the properties are only 1 storey. This raises some concern for my client in considering any further development of these properties.

We would be pleased to have further discussions with staff to undertake a thorough review of the proposed zoning provisions to ensure that the policies of the Livable Oakville Plan are appropriately implemented into the new zoning by-law. We anticipate that our clients concerns can be resolved with revisions to the wording of the special provisions and other sections of the by-law, as discussed above.

We would like to request a time to meet with Town Staff to discuss the above issues further.

Yours very truly,

O’CONNOR MACLEOD HANNA LLP



Ruhia Jokhio

RJ:lw

CC: Client

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 2:37 PM
To: 'Ruhia Jokhio'
Cc: Dana Anderson; Diane Childs; Denis Daoust; Joanna Wice; Joe Nethery
Subject: RE: Zoning by-law review - MM Sam Ltd.

Categories: v2.0 Inputs

Good afternoon Ruhia –

I promised to confirm our meeting of January 16, 2014 re: your letter of November 18, 2013. By point:

- The driveway access prohibition is proposed to be deleted in the final draft (v3.0). Driveway locations would be reviewed and determined at the Site Plan Approval stage. Special Provision 8 is also proposed to be deleted (actually, replaced with an SP for another site) accordingly.
- Staff continue to recommend the Hold in order to resolve the necessary agreements, if and as applicable, for all lands identified as subject to the Hold.
- Footnote 7 of Table 8.3 (proposed to be expanded to include the metric maximum height regulation in the final draft (v3.1) recognizes buildings not meeting the minimum heights as legal. New buildings would be required to comply with these regulations implementing Livable Oakville Plan-established minimums.

Please also be advised that the staff are anticipating on undertaking “Growth Area Check-ins” scheduled as part of our Long Range Planning section’s work program over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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From: Ruhia Jokhio [REDACTED]
Sent: Monday, November 18, 2013 1:19 PM
To: Joe Nethery
Subject: Zoning by-law review - MM Sam Ltd.

Joe Nethery

From: Joe Nethery
Sent: Tuesday, December 10, 2013 4:00 PM
To: 'Rudy Zilavec'
Cc: Diane Childs; Peter Kozelj; Dana Anderson; Denis Daoust; Joe Nethery
Subject: RE: new by-law

Good afternoon Mr. Zilavec –

Thank you for your patience in awaiting my reply. Staff will be recommending, in the final draft (v3.0) of the 2014 Zoning By-law, permitting industrial uses (proposed to be renamed “manufacturing”) and wholesaling and distribution in the proposed Office Employment E1 Zone, subject to a footnote limiting the permission to only those uses legally existing on the effective date of the 2014 Zoning By-law. If the lot has a manufacturing or wholesaling and distribution use that was legally established on the date Council passes the 2014 Zoning By-law (currently targeted for February 10, 2014), the use will be permitted on that lot. The December 3, 2013 meeting was an internal project team meeting where the issue was discussed.

Staff will be reviewing use permissions again in a Commercial and Employment Lands Review currently planned for 2014/2015. Another study planned for that time is the Speers Road Corridor Study. I have added your name to the inZone project mailing list, which we will be using to begin a mailing list for those studies. This should ensure you are contacted once the studies are launched, but do keep monitoring the Town’s website (in particular, <http://www.oakville.ca/business/planning-studies.html>) for more information.

If you have any questions in the interim, please do not hesitate to contact me or Diane Childs (cc’d, ext.3986). I have included your comment below and this reply in the correspondence package forming part of staff’s final report.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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From: Rudy Zilavec [REDACTED]
Sent: Tuesday, November 19, 2013 9:01 AM
To: Joe Nethery
Subject: new by-law

Hello Joe

Thank you for taking the time yesterday, to speak to me in person at the Town. As mentioned, I currently own multi-unit properties on Speers Rd. and will take possession of another in January on Wallace Rd. Both, are subject to zoning changes proposed for February, 2014. If the current T1 zoning changes to E1, it would greatly

APPENDIX C

affect my investment and current uses. I'm not sure if some type of grandfathering applies. Furthermore, you mentioned that a planning meeting is scheduled for Dec, 3, 2013, to discuss changes to the new by-law. I would very much appreciate if you could keep me informed.

Many Thanks
Rudy Zilavec

Joe Nethery

From: Joe Nethery
Sent: Wednesday, November 20, 2013 5:49 PM
To: 'Laurie Lawson'
Cc: Matt Rubic; Dana Anderson; Diane Childs; Denis Daoust; Ramona Boddington; Joe Nethery
Subject: RE: [REDACTED] Bronte Rd
Attachments: [REDACTED].pdf; [REDACTED].PNG
Categories: v2.0 Inputs

Good afternoon Laurie –

I'll add your email and this reply to the comment file for the inZone project. I have taken a look at the Livable Oakville Plan – the document to which the 2014 Zoning By-law is required to conform – as it applies to your property. A .pdf of the policy linework and a .png showing the approximate Parkway Belt Plan area on an aerial photograph base are attached.

The green portions of land on your property are designated Parkway Belt in the Town's Livable Oakville Plan. This designation defers to the Province's 1978 Parkway Belt West Plan, which designated these lands as Public Open Space and Buffer Area in the "Public Use Area" designation. Uses legally existing July 19, 1978 are permitted, as well as linear infrastructure and privately operated open space uses, but the main intent of this designation is to preserve the natural features of the area. In plain English terms, this would be the Bronte Creek valley and top of bank lands adjacent to the slopes.

Should redevelopment be proposed on the property, the Town and Conservation Halton would review the proposal in the context of protecting the natural features of the Bronte Creek valley regardless of the underlying zoning or policy framework. This is a very common approach and protection applied for development adjacent to environmental features anywhere in Ontario. The developer would be required to complete a survey showing the limits of the environmental area (including required setbacks). This limit would be codified through a Site Plan Approval (required for virtually any new development proposal on the property) and development permit issued by Conservation Halton.

Based on the .png file, staff will recommend a revised zoning boundary that includes the additional storage area at the rear in the main Industrial E3 Zone, but will also be adding the remaining trees to the Parkway Belt West Public Use PB1 Zone as an environmental protection feature.

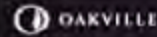
To discuss the policy designations and environmental setbacks that would apply on your property, you can contact:

- Ramona Boddington, Planner (cc'd, ext.3032), Town of Oakville
- Jane Devito, Planner, Conservation Halton – 905-336-1158
- Karen Ho, Planner, Ministry of Municipal Affairs – 416-585-6862

If you have a further zoning question, please do not hesitate to contact me.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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From: Laurie Lawson [REDACTED]

Sent: Wednesday, November 20, 2013 5:13 PM

To: Joe Nethery

Cc: Matt Rubic

Subject: [REDACTED] Bronte Rd

Hi Joe,

In an email to you last month, I mentioned that a real estate broker had noted a change in the zoning of our property. In prepping for the sale of the land, I have been speaking to a few people and it seems that a portion of our property close to Bronte Creek has been zoned Parkway Belt. I would like to register my objection to this zoning because it is limiting and we would lose a portion of our land. I don't have any specifics as to how large this area is however, there couldn't be any public access and no real need for it to be deemed parkway.

Can you inform me as to next steps or the process to register an objection?

Thanks very much Joe.

Laurie

November 25, 2013

Mr. Joe Nethery
Manager, Zoning By-law Project
Planning Services
Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

Dear Mr. Nethery:

**Re: Comments on the Draft Zoning By-law
The Standard Life Assurance Company of Canada
[REDACTED] Buckingham Road; [REDACTED] Bristol Circle; and [REDACTED]questrian Court
Town of Oakville
Our File: 2013/41**

We are Planning Consultants for The Standard Life Assurance Company of Canada with respect to the above-noted properties. Further to my Public Meeting presentation on November 4th, we have reviewed the uses permitted on lands designated *Business Employment* and *Industrial* in Livable Oakville and the corresponding permitted uses for the Business Employment (E2) Zone and the Industrial (E3) Zone in the Town's Draft Zoning By-law.

Livable Oakville states that the *Business Employment* designation provides for a range of business and industrial uses (light and service industrial operations). An Official Plan Amendment ("OPA") is proposed to state that hotels, public halls, restaurants, financial institutions and training facilities and commercial schools may also be permitted. The *Industrial* designation may include light and heavy industrial uses such as manufacturing, assembling, processing, fabricating, refining, repairing, warehousing, and wholesaling. An OPA is proposed to all major offices and offices on lands designated *Industrial* between Bronte Road and Third Line and offices may be permitted on the lands designated *Industrial* within Bristol Circle.

Major Office and Office – Livable Oakville

As mentioned above, an OPA is proposed to permit major offices and offices on lands designated *Industrial* between Bronte Road and Third Line and offices may be permitted on the lands designated *Industrial* within Bristol Circle.

The definitions section of Livable Oakville states: "*Major office* is generally defined as freestanding office buildings of 10,000 square metres or greater, or with 500 jobs or more." We presume that a building less than 10,000 square metres would be considered "office" but there is no specific definition of office in Livable Oakville.



The building located at [REDACTED] Buckingham Road is approximately 15,682 square metres and the lands are designated *Industrial*. The current use of the building involves the distribution, warehousing, assembly, manufacturing and storage of non-hazardous goods. With the proposed OPA, office uses may be permitted on the subject lands. We surmise that the industrial building located at [REDACTED] Buckingham Road could be converted to office uses but the total office space could not exceed 10,000 square metres or 500 jobs under the current proposed provisions. We request clarification on this point. Given the definition of *major office* and the use of the word “generally” in the definition, would the Town permit the conversion of the entire building to office uses without the need for an OPA?

Draft Zoning By-law

The Draft Zoning By-law breaks down the uses permitted in the Employment Zones into a number of categories, including office uses and employment uses. The E2 Zone permits business offices; medical offices and the major employment uses include industrial uses; training facilities; and wholesaling and distribution. The E3 Zone allows a range of employment uses, including outdoor processing and outdoor storage and waste processing and transfer stations. Medical offices are not permitted in the E3 Zone and business offices are permitted as accessory to the principal use. However, an OPA is proposed to permit offices, as a principal use, on the lands designated *Industrial* within Bristol Circle.

In our review of uses permitted in the E2 and E3 Zones, we have a number of queries and request further clarification on a number of issues.

Industrial Uses

The Draft Zoning By-law defines *industrial use* as manufacturing, fabricating, assembly, processing, and warehousing. Given the shift in the types of goods manufactured in recent years, out of an abundance of caution we request that the Town clarify whether or not the following establishments would be considered *industrial uses*.

- Computer, Electronic and Data Processing (research, development, processing and printing of data; and design, manufacturing and warehousing of electronic equipment or software);
- Pharmaceutical and Medical (research, development, manufacturing and/or technical experimentation);
- Printing;
- Research and Development (conducting pure and applied research, analysis and experimentation in any field of science, medicine, technology and manufacturing)
- Courier;
- Recycling Facility;
- Transportation Equipment; and
- Laboratory.

It is our opinion that each of these specific types of establishments are industrial uses that are permitted within the Business Employment (E2) Zone and the Industrial (E3) Zone. However, given the specific definition of *industrial use* in the Draft Zoning By-law, some may not fall into the “manufacturing, fabricating, assembly, processing, and warehousing” categories. We would therefore appreciate clarification that each type of use listed above is considered an *industrial use*.

Bulk Storage Facility

A *bulk storage facility* means a premises for the bulk storage of petroleum, petroleum products, chemicals, gases, or similar substances and is permitted in the E3 Zone but not the E2 Zone. The E2 Zone permits a commercial self-storage use defined as a “*building* consisting of individual, self-contained units that are leased or owned for storage purposes, excluding *waste*.” Storage as a use is limited to bulk or commercial self-storage. In our opinion, a storage facility for products other than petroleum or similar substances should be permitted in both the E2 and E3 Zones. We therefore request that the Town consider adding a third definition of a storage facility to address storage other than the two types currently defined. Alternatively, the word “storage” could be added to the definition of *industrial use*.

Public Hall

A *public hall* is defined in the Draft Zoning By-law as a premises used as a banquet hall, meeting hall, or convention centre for which banquets, weddings, receptions, auctions or other similar functions may be held (food and beverages may be prepared and served). A *public hall* is permitted in an E2 Zone but not an E3 Zone.

We would appreciate confirmation as to whether or not a labour hall is considered a *public hall*. A labour hall is a meeting place for labour or trade unions and is generally not open to the public. A labour hall may also include administrative offices, training facilities and meeting rooms. Should a labour hall not be considered a public hall then we request that a labour hall be defined in the Draft Zoning By-law and permitted in both an E2 Zone and an E3 Zone.

Place of Worship is defined in the Zoning By-law as a “*premises* used for the practice of religion and faith-based spiritual purposes wherein people assemble for religious worship, faith-based teaching, fellowship and community social outreach.” Some new and existing religious communities are seeking affordable space to worship and are not always seeking a building within an institutional zone. Given recent trends, in our opinion, a *Place of Worship* should be permitted within an E2 Zone and potentially an E3 Zone as well.

Sports Facility

Sports facility is defined as a “*premises* in which facilities are provided for the purpose of instruction, conduct, practice, and training for sports or physical exercise”. A *sports facility* is permitted in an E2 Zone and we request that consideration be given to also permitting a *sports*

facility within an E3 Zone. We also request clarification as to whether or not a *sports facility* would include a Children's Play-gym.

Contractors' Facility

Contractors' facility is defined as a "*premises where motor vehicles and equipment for the maintenance and operation of uses undertaken by a contractor are stored, and materials used for or resulting from the maintenance and operation of such uses are stored or processed.*" A contractors' facility is permitted in both the E2 and E3 Zones. We conclude that a contractors' facility would include a landscaping contractor's facility but would appreciate confirmation from the Town.

Business Employment E2 Zone – Possible Additional Uses

A *place of entertainment* is currently not permitted in either an E2 Zone or an E3 Zone. A *place of entertainment* is defined in the Draft Zoning By-law as a "*premises devoted to the offering of facilities for the entertainment of the public including a cinema, live theatre, concert hall, planetarium, or other similar use, as well as facilities for the playing of games for the amusement of the public including an arcade, billiard room, bowling alley, electronic or laser game, indoor miniature golf course, indoor paintball facility, indoor play facility, and bingo hall.*"

We assume that the Town considers a *place of entertainment* as a *Business Commercial* use (currently only permitted in the Business Commercial (E4) Zone) and would not conform to the uses permitted in the *Business Employment* or *Industrial* designation in Livable Oakville. While some of the uses listed in the definition would not necessarily seek out a *Business Employment* location, some uses, such as an indoor paintball facility or play facility location may. Livable Oakville states that the *Business Employment* designation may include a range of business and industrial uses. We request that the Town consider adding a *place of entertainment* as a permitted use in an E2 Zone.

A *pet care establishment* is defined in the Draft Zoning By-law (grooming of domestic animals) but is only permitted in the Business Commercial (E4) Zone. Would the Town consider permitting a *pet care establishment* in the E2 and E3 Zones? Unlike a pet care establishment, an animal shelter is for the emergency accommodation of animals. In our opinion it may be appropriate to define animal shelter and include it as a permitted use in both the E2 and E3 Zones.

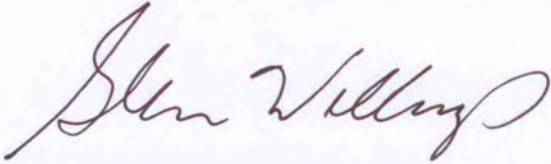
Industrial E3 Zone

The main concern with the list of permitted uses in the E3 Zone relate to the general definition of *industrial use* and the Town's interpretation of various "high tech" industries as industrial uses (referred to above). The other concern is the size of total office space that may be permitted on lands designated *Industrial* within Bristol Circle (also referred to above).

We appreciate the opportunity to comment on the Draft Zoning By-law and look forward to receiving written clarification on the issues mentioned above. Please contact me should you have any questions.

Yours truly,

WELLINGS PLANNING CONSULTANTS INC.

A handwritten signature in dark ink, appearing to read "Glenn Wellings", written in a cursive style.

Glenn J. Wellings, MCIP, RPP

Copy: William Secnik, Standard Life Investments (Real Estate) Inc.
Lesley Gill Woods, Planner, Long Range Planning, Town of Oakville

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 7:07 PM
To: 'Nancy Frieday'
Cc: Lesley Gill Woods; 'William.Secnik'; 'Glenn Wellings'; Dana Anderson; Diane Childs; Denis Daoust; Joe Nethery
Subject: RE: Draft Zoning By-law - Town of Oakville - Comments
Categories: v2.0 Inputs

Good evening Nancy –

Per Glenn's letter of November 25, 2013, staff have the following reply. By point in the letter:

- Staff only provide interpretations of uses when presented with a development application or zoning certificate of occupancy. Use is determined by the primary use undertaken on the site so the interpretations are highly dependent on context.
- The final draft (v3.0) has broken out the combined "industrial use" term into other terms, a variety of which are permitted in the proposed Business Employment E2 and Industrial E3 Zones.
- Bulk storage facility could be considered through a zoning by-law amendment in the Business Employment E2 Zone.
- Sports facility is proposed to be permitted in the Industrial E3 Zone in the updated final draft (v3.1), but limited only to lots where the use legally exists on the effective date of this By-law. New uses could be considered through a zoning by-law amendment.
- Place of entertainment and pet care establishments are service commercial uses and not permitted in the Business Employment or Industrial designations. A zoning by-law cannot be more permissive than the official plan it implements. Therefore, staff will not recommend the permission.
- Special Provision 43 speaks to the business office use.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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http://www.oakville.ca/privacy_statement.htm

From: Nancy Friedday [REDACTED]
Sent: Monday, November 25, 2013 12:25 PM
To: Joe Nethery
Cc: Lesley Gill Woods; [REDACTED] Glenn Wellings
Subject: Draft Zoning By-law - Town of Oakville - Comments

Good Afternoon Joe:

I have attached correspondence regarding the Draft Zoning By-law written on behalf of Standard Life Assurance Company (three properties).

We have posed some questions and made some suggestions within the letter. Once you have had an opportunity to review, we would appreciate a written response. The original will be mailed to you.

We have copied Lesley Gill Woods as we have posed questions related to the Official Plan.

Regards,

*Nancy Friedday, MCIP, RPP
Wellings Planning Consultants Inc.*



Please note that effective immediately my new email address is [REDACTED] Please update your records accordingly. Thanks

Joe Nethery

From: Joe Nethery
Sent: Tuesday, December 10, 2013 4:18 PM
To: 'Todd Courage'
Cc: Pam Damoff; Diane Childs; Dana Anderson; Denis Daoust; Joe Nethery
Subject: RE: Zoning Changes

Good afternoon Mr. Courage –

Thank you for your patience in awaiting my reply. Staff will be recommending, in the final draft (v3.0) of the 2014 Zoning By-law, permitting industrial uses (proposed to be renamed “manufacturing”) and wholesaling and distribution in the proposed Office Employment E1 Zone, subject to a footnote limiting the permission to only those uses legally existing on the effective date of the 2014 Zoning By-law. If the lot has a manufacturing or wholesaling and distribution use that was legally established on the date Council passes the 2014 Zoning By-law (currently targeted for February 10, 2014), the use will be permitted on that lot.

Staff will be reviewing use permissions again in a Commercial and Employment Lands Review currently planned for 2014/2015. Another study planned for that time is the Speers Road Corridor Study. I have added your name to the inZone project mailing list, which we will be using to begin a mailing list for those studies. This should ensure you are contacted once the studies are launched, but do keep monitoring the Town’s website (in particular, <http://www.oakville.ca/business/planning-studies.html>) for more information.

If you have any questions in the interim, please do not hesitate to contact me or Diane Childs (cc’d, ext.3986). I have included your comment below and this reply in the correspondence package forming part of staff’s final report.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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<http://www.oakville.ca/privacy.html>

From: Todd Courage [REDACTED]
Sent: Wednesday, November 20, 2013 3:36 PM
To: Joe Nethery
Subject: Zoning Changes

Joe,
It is my understanding that there be some changes to the zoning at [REDACTED] Speers Road (between Bronte and Third line on the South side).

We have been here for about seven years and are a wholesale distributor.

Can you please inform me if the zoning may change and what impact it would have on the building I own?

You can email or call me.

Thanks

Regards,

Todd Courage

Courage Distributing Inc. [REDACTED]

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Joe Nethery

From: Ryan Moore [REDACTED]
Sent: Tuesday, January 28, 2014 1:12 PM
To: Joe Nethery
Cc: David McKay
Subject: Oakville Zoning By-law - Home Depot Outdoor Sales and Storage Areas
Attachments: Home Depot Oakville Outdoor Sales and Storage Areas.pdf

Categories: v2.0 Inputs

Hi Joe;

Further to our meeting on the 15th, you had asked us to supply site plans and elevations showing the outdoor sales areas and outdoor storage areas for the three Home Depot stores in Oakville, to assist in preparing provisions for these uses in the new Zoning By-law. I have attached site plans and elevations for each store. The plans identify and distinguish areas of outdoor sales and display, outdoor garden centres, and outdoor storage. The elevations will speak to the height and materials of the permanent outdoor garden centres.

If you would like to discuss, feel free to call me.

Thank you,

Ryan Moore, MPI, MCIP, RPP, LEED® AP | Senior Planner

MHBC Planning, Urban Design & Landscape Architecture
[REDACTED]



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KITCHENER
WOODBIDGE
LONDON
KINGSTON
BARRIE

November 27, 2013

Joe Nethery
Manager, Zoning By-law Project
Planning Services
Town of Oakville
1225 Trafalgar Road
Oakville, ON
L6H 0H3

Dear Mr. Nethery:

RE: REVIEW OF DRAFT 2014 ZONING BY-LAW
[REDACTED] CROSS AVENUE, [REDACTED] BRISTOL CIRCLE, AND [REDACTED] SOUTH SERVICE ROAD
HOME DEPOT OF CANADA
OUR FILE 9316AT

We are writing on behalf of Home Depot to outline our concerns with the Town's draft new Zoning By-law with respect to the above-noted addresses. The following is a general discussion of our analysis of the by-law and a summary of issues with the proposed zoning by property.

GENERAL DISCUSSION

The new Zoning By-law is comprehensive and thorough. We congratulate Town staff for their efforts to produce such a complex document. We support the provisions regarding legal non-conforming buildings, uses, and lots, which provide flexibility to existing uses while advancing the Town's land use planning objectives.

While there are provisions recognizing existing legal non-conforming uses, buildings, structures, and lots as legal non-conforming, there are no provisions recognizing existing legal parking, bicycle parking, or landscaping as legal non-conforming. A provision in this regard is necessary to avoid confusion and unnecessary Minor Variances.

There is no consideration for existing Minor Variances which predate the May 10, 2011 transition period. We understand staff's intent to encourage construction in conformity with the Livable Oakville plan, however, this situation is highly restrictive and impacts all properties which exist and are operating under the relief provided by past Minor Variances. All three Home Depot stores are the subject of Minor Variances. These Variances will become void if the new Zoning By-law is implemented as proposed.

It is our understanding from our review of the by-law that no loading spaces/docks are required or specified in any zone. We did not locate any minimum loading ratios or requirements. We request that this interpretation be confirmed.

Section 4.7 of the proposed Zoning By-law establishes regulations for garbage containers. We request confirmation that waste compactors are treated differently and may be located outside in an unscreened location, such as a loading bay.

Bicycle parking is now mandated, however, the by-law does not specify that existing development is exempt from providing bicycle parking. Therefore existing development, which was constructed under the old Zoning By-law, cannot meet the bicycle parking requirements without retrofitting, and is rendered non-conforming.

The maximum height of merchandise displays in areas of outside display and sales is proposed to be 3.0 m. Typical Home Depot racking in each store's permanent garden centre would likely exceed this maximum height. Further, outside sales and display must occur within 5.0 metres from the main wall of the store. Home Depot often operates seasonal garden centres, generally beyond 5.0 metres from any wall of the parent store. Therefore these garden centres will be rendered legal non-conforming, and could no longer be erected without a Minor Variance.

CROSS AVENUE

This store is proposed to be zoned Midtown Transitional Commercial (MTC) Zone. The MTC Zone permits legally existing uses, as well as retail stores. Therefore the existing Home Depot store continues to be a legal conforming use.

Outside sales and display, such as garden centres, sheds, lumber, and building materials, form a common ancillary function to most Home Depot stores. Outside sales and display is not among the list of permitted uses in the MTC Zone.

Home Depot stores often have restaurants located in the vestibule of the store for the convenience of their customers. Restaurants (including the in-store restaurants) are permitted in the MTC Zone, except on lots that abut a residential zone. There is a lot in a residential zone immediately abutting to the west.

Notwithstanding the above, it is our interpretation that the restaurant and outside sales and display are recognized by the permission of legally existing uses, and therefore also continue to be legal conforming uses. We request confirmation of this interpretation.

We note that per Minor Variance A/086/2001, the Home Depot lands and the Trafalgar Village Mall are to be treated as one lot for zoning purposes.

The zone regulations for the MTC Zone specifically state that the setbacks, coverage, height, lot area, and lot frontage shall be as legally existing as of the effective date of the new Zoning By-law. Therefore the existing aspects of the building and lot will continue to be legal conforming.

This recognition does not extend to parking or bicycle parking. Under Minor Variance A/163/2002, the entire mall site including Home Depot is required to provide 1,005 parking spaces. Under the new by-law, 1,009 parking spaces would be required for the mall site. The mall site currently provides 1,005, in accordance with the Minor Variance. As previously noted, old Minor Variances have no status in the new

Zoning By-law, and become void. Therefore Home Depot and the Trafalgar Village Mall collectively and individually become legal non-conforming with regards to parking.

21 accessible parking spaces are required for the mall by the new Zoning By-law. 18 spaces are provided across the mall and Home Depot combined. The Home Depot store and mall will become legal non-conforming with regards to the number of accessible parking spaces.

The parking conditions noted above will become legal non-conforming and would have to be recognized through a Minor Variance should Home Depot propose any expansion or alteration to the existing building.

BRISTOL CIRCLE

This store is proposed to be zoned Core Commercial (C3) Zone, subject to exception 44. Retail stores and outside sales and display are permitted uses in the C3 Zone. Therefore the existing store will continue as legal conforming.

The C3 Zone and exception 44 introduce new zoning standards which were not contemplated during the construction of the store under the old Zoning By-law. Specifically, the maximum front yard setback, maximum flankage (side) yard setback, and minimum landscape strips and areas required in the new zoning regulations cannot be met by the existing building. The building setbacks are recognized as legal non-conforming and are permitted to continue in the new Zoning By-law. However, there are no provisions recognizing the existing landscape strips and areas. The landscape conditions will become legal non-conforming and would have to be recognized through a Minor Variance.

In addition to the above, the existing parking situation is the product of Minor Variance A/011/2005, which permits the site to operate with a minimum parking of 584 spaces, which is the parking provided on site. The required parking is permitted to reduce seasonally for the seasonal garden centre per Variance A/126/2008. However, as noted, existing Minor Variances approved before 2011 become void. As such, the existing parking situation becomes legal non-conforming in the new Zoning By-law.

The accessible parking spaces on the site are insufficient to meet the Zoning By-law requirement. This condition will become legal non-conforming.

The parking conditions noted above will become legal non-conforming and would have to be recognized through a Minor Variance should Home Depot propose any expansion or alteration to the existing building.

SOUTH SERVICE ROAD

This store is proposed to be zoned Core Commercial (C3) Zone, subject to exception 259. Retail stores and outside sales and display are permitted uses in the C3 Zone. Therefore the existing store will continue as legal conforming.

Exception 259 notes that the entire commercial block bounded by South Service Road, Wyecroft Road, and the property to the northeast constitute one lot for the purposes of Zoning. The overall commercial block does not comply with the minimum required setback from a natural area, the maximum total floor area of all uses, or with the minimum landscape strip abutting a road.

We note that the current zoning permits a maximum total floor area in the block of 54,811 square metres, including the Home Depot store. The proposed zoning would reduce that amount to 41,811 square metres, including the Home Depot store. This would render the existing buildings legal non-conforming, and prohibit future expansions.

Site Specific 259 requires a minimum setback of 7.5 metres from a natural area (N Zone). The southwest lot line along South Service Road immediately abuts South Service Road, and forms part of the Natural Area (N) Zone. As such, the required setback from a natural area cannot be met by the existing development. If the zone boundary were to be moved to exclude South Service Road, then the required setback could be achieved. Until this occurs, the existing setback will be rendered legal non-conforming.

There are no provisions to recognize existing landscape strips abutting a road. On this site, some of the buildings have minimal or zero setbacks, thereby precluding landscape strips. This condition will become legal non-conforming.

The existing Home Depot garden centre is approximately 1,719 square metres in area. There is also a seasonal pop-up garden centre at approximately 929 square metres. Combined, the total outside sales and display is 2,648 square metres. The new Zoning By-law proposes to restrict the outside sales and display area to 1,858 square metres. This restriction existed in the old Zoning for the site, but was designed to expire on April 1, 2011. The Town has not recognized the expiry of this restriction and has carried it forward into the new Zoning By-law.

CONCLUSIONS AND RECOMMENDATIONS

Based on the above analysis, we believe that the proposed Zoning By-law could be improved to increase clarity and provide more consistent implementation. We request the following provisions in the new Zoning By-law be included or revised:

- A new subsection of Section 1.9 be added that reads "All minor variances applied for prior to the enactment of this By-law and finally approved pursuant to Section 45 of the Planning Act or its predecessor continue to apply and remain in force as if they are variances to this By-law for lawfully existing lots, buildings or structures. Former By-law 1984-63, including the definitions, applies to assist in the interpretation of any minor variance referred to above in the context of this By-law."
- Section 4.12.1 (a) be revised to read "A building, ~~or~~ structure, use, parking area, or landscaping that does not meet the standards, provisions, and regulations of this By-law, but which was legally erected or altered in accordance with the by-laws in force at the time of construction may be enlarged, repaired, or renovated provided that the enlargement, repair, or renovation:"
- Section 4.16 (b) be revised to read "The maximum height of any merchandise display is the greater of 3.0 metres or the height of an enclosing structure or wall."
- Section 4.16 (d) be revised to read "Outside display and sales shall be located within ~~5.0~~ 10.0 metres from any main wall of the building, or within an accessory building or structure. This subsection shall not apply for motor vehicle sales establishments, or the accessory sale of motor vehicles, or seasonal garden centres."
- Section 5.3.1 be revised to read "The minimum number of bicycle parking spaces required for uses permitted by this By-law, in new buildings or additions to existing buildings, are established

and calculated in accordance with the ratios set out in Table 5.3.1, below. In no circumstance shall the number of minimum bicycle parking spaces required on a lot be greater than 30. "

- Exception 259, Section 15.259.1 (d) be removed, as such floor area restrictions were intended to expire on April 1, 2011 in the original Zoning By-law 2005-025.
- Exception 259, Section 15.259.1 (e) be revised such that the maximum total net floor area for all uses excluding cinemas and theatres be 54,811 square metres, per the current Exception 754 for these lands.
- Exception 259, Section 15.259.1 be revised to include the following provisions:
 - Minimum Parking: 1 space per 18 square metres of total net floor area;
 - Total net floor area exclusions: Seasonal Garden Centres shall not be included in total net floor area.
- Exception 259, Section 15.259.2 (a) be removed, as this restriction was intended to expire on April 1, 2011 in the original zoning.
- Map 19(4) and Figure 15.259.1 be revised to exclude South Service Road West from the Natural Area (N) Zone and instead zone the right-of-way to C3-259, similar to its zoning in the current Zoning By-law.

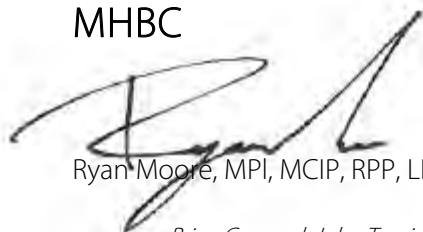
We request that our interpretations above be confirmed, and that the draft Zoning By-law incorporate the above requested modifications prior to adoption by Council.

Please call at your earliest convenience to arrange a meeting to discuss the foregoing. Please also include us on the notification list for future notices on the Zoning By-law.

Thank you,

Yours truly,

MHBC



Ryan Moore, MPI, MCIP, RPP, LEED® AP

cc. *Brian Cannard, John Tascione, Steve Zakem*

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 8:01 PM
To: 'Ryan Moore'
Cc: 'David McKay'; [REDACTED] 'John_Tascione'; [REDACTED]
'Steve Zakem'; Dana Anderson; Diane Childs; Denis Daoust; Joanna Wice; Joe Nethery
Subject: RE: Oakville Zoning By-law - Letter to Town - Home Depot
Categories: v2.0 Inputs

Good evening Ryan –

Staff have the following reply to your November 27, 2013 letter and January 28, 2014 further information. By conclusion in the November letter:

- Minor variance applications are not proposed to be recognized through a transition clause. If the clause is not recognized elsewhere by the By-law, note that Section 4.12 of the final draft (v3.0) allows individuals with a legal non-conforming lot (including some landscaping deficiencies), building, or structure to obtain a building permit under the 2014 Zoning By-law, “provided that the enlargement, repair, or renovation does not further increase the extent or degree of non-conformity and complies with all other applicable provisions of this By-law.”
- Additional language related to landscaping is included in Section 4.12.1 of the final draft (v3.0). Parking areas are recognized through the applicability clause in Section 5.1.1.
- The maximum height provision for merchandise display remains 3.0 metres.
- A new section 4.17(d) is provided recommending only that the longest dimension shall be located with its longest dimension abutting the main wall of its associated building. This, along with the location prohibitions located in Section 4.17(c), should provide additional flexibility for new outside display and sales areas. Relief can be considered through a minor variance.
- Staff have long interpreted parking requirements for additional floor area over all net floor area on a lot – revisions to Section 5.1.1(b) were included in the final draft to clarify this intent. Bicycle parking spaces (as well as barrier-free parking spaces) are recommended to be subject to this same requirement.
- I believe the outside display and sales area maximums were the clauses to expire in April 2011. Those clauses were Section 15.259.2 in the second draft (v2.0) and have been deleted.
- To solve the hardware store size, the updated SP 259 exempts one retail store from the maximum floor area per retail store regulation. That retail store would be the Home Depot.
- The maximum net floor area on the Burloak site has been corrected in the final draft (v3.0).
- Outdoor display and sales are proposed to count as net floor area when occupied by a building.
- The “multiple premises” parking rate in Table 5.2.1 reduces the parking rate above 2,500 square metres net floor area to 1/22.0 sq.m net floor area. The current requirement in Zoning By-law 1984-63, as amended, is 1/18.0 sq.m for all leasable floor area. The new regulation should provide more flexibility.
- Zone boundaries are interpreted, in Section 2.3.1, to follow the centre-line of the road where the boundary is following a front or flankage lot line (a necessary quirk given how our GIS operates). The mutual zone boundary is the centre-line of South Service Road. In any event, the Natural Area N Zone setback is proposed to be deleted in the final draft (v3.0).

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This is a public process and staff intend on creating a project mailing list using inZone project contacts.

APPENDIX C

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Ryan Moore [REDACTED]
Sent: Wednesday, November 27, 2013 1:40 PM
To: Joe Nethery
Cc: David McKay; [REDACTED] John_Tascione [REDACTED] Steve Zakem
Subject: Oakville Zoning By-law - Letter to Town - Home Depot

Hi Joe;

Please find attached a letter of concern regarding the Town's draft new Zoning By-law, relative to Home Depot's three stores.

We request an opportunity to meet with you to discuss these concerns.

If you have any questions, feel free to call.

Thank you,

Ryan Moore, MPI, MCIP, RPP, LEED® AP | Senior Planner

MHBC Planning, Urban Design & Landscape Architecture



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Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 8:24 PM
To: 'Paul Cates'
Cc: Dana Anderson; Diane Childs; Denis Daoust; 'asargent [REDACTED]' Joe Nethery
Subject: RE: November 13, meeting Walton United Church BIA

Categories: v2.0 Inputs

Good evening Paul –

Just to close off our correspondence loop, the parking recommendation for Bronte Village in the final draft (v3.0) is two-pronged:

- For residential uses, a 15% reduction rounded to the nearest .05 is the staff recommendation. This corresponds to our parking consultant's (Cole Engineering) research and opinion in the Technical Paper on Parking and Loading Standards. This discount is only applied to the traditional "multiple attached" housing forms except for live work dwellings (standards and permissions for which will be included in the updated final draft (v3.1)).
- For non-residential uses, the final draft (v3.0) recommendation is for 1.0 space per 40.0 square metres of net floor area. This rate matches the second-to-lowest blended rate proposed outside of the Growth Areas. It also represents a discount from the rate for office uses, for which Cole has recommended a rate of 1.0 space per 35.0 square metres of net floor area. Applying the 10% discount recommended by Cole, this results in a minimum of 1.0 space per 38.5 square metres of leasable floor area, which is rounded down to 1.0 space per 40.0 square metres of net floor area.

Please also be advised that the staff are anticipating on undertaking "Growth Area Check-ins" scheduled as part of our Long Range Planning section's work program over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This is a public process and staff intend on creating a project mailing list using inZone project contacts.

Staff also intend on reviewing the cash-in-lieu of parking policy and procedure in 2014 as well.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Paul Cates [REDACTED]
Sent: Monday, January 20, 2014 4:44 PM

APPENDIX C

To: Joe Nethery

Subject: RE: November 13, meeting Walton United Church BIA

Hi Joe...hoping you have settled in after a very busy pre Xmas and the town affairs are somewhat normal.

At your convenience I would like to continue working with the inZone project to better understand how Bronte parking will be impacted.

You can give me a call [REDACTED] or email at the above address with your direction.

Commencing this Wednesday I am away for 6 days.

Regards,
Paul

From: Joe Nethery [<mailto:JoeNethery@oakville.ca>]

Sent: December-16-13 7:32 PM

To: 'Paul Cates'

Cc: Dana Anderson; Diane Childs; Denis Daoust

Subject: RE: November 13, meeting Walton United Church BIA

Good evening all –

To confirm, I've spoken with Paul tonight re: the parking supply in Bronte (we/I will need to get back in touch with Paul in the new year).

The Bronte BIA's parking committee is in the initial steps of trying to create a coordinated solution to parking concerns in the area. A main concern is the number of parking spaces that exist but are not available for one reason or another – the "stagnant parking" cited below. The BIA is investigating both short- and long-term solutions and strategies, and views the inZone project as an opportunity to begin implementing some of this change.

The inZone project team has received feedback from both the Kerr and Bronte BIAs re: parking rates for new development, and is considering the issue (amongst others) in preparing the final draft (v3.0).

One issue is forecasting the amount of growth for Bronte and what that means in terms of parking demand. The BIA is interested in obtaining some numbers or figures from staff as to what this looks like and how it could be accommodated. I'm not sure the inZone project is the right vehicle for this work, but the request of staff is to consider this request – and perhaps identify opportunities for the Town and BIA to work together on solutions.

Paul, please feel free to add any additional comment to this email I may have omitted. We'll talk again in the new year.

Thanks –

Joe Nethery, MCIP, RPP

Manager, Zoning By-law Project

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From: Paul Cates [REDACTED]
Sent: Thursday, December 12, 2013 4:48 PM
To: Joe Nethery
Subject: Re: November 13, meeting Walton United Church BIA

Joe...I will be home in the afternoon [REDACTED]

Sent from my iPad

On Dec 11, 2013, at 1:28 PM, Joe Nethery <JoeNethery@oakville.ca> wrote:

Good afternoon Paul – I've never written down your phone number in a permanent location. Do you have time to chat by phone on Friday afternoon?

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services
Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca

<[image101f13.JPG](#)>
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From: Dana Anderson
Sent: Thursday, December 05, 2013 8:58 PM
To: Paul Cates
Cc: Joe Nethery
Subject: Re: November 13, meeting Walton United Church BIA

Hi Paul

Thanks for your email. I am out of the office until Tuesday but would be more than pleased to sit down to discuss these parking issues with you and with Joe Nethery. Some of them may be operational beyond planning but we have looked at parking ratios in the bylaw.

I have copied Joe and hope he can contact you to discuss the proposed ratios.

Thanks
Dana
Sent from my iPhone

On Dec 5, 2013, at 3:16 PM, "Paul Cates" [REDACTED] wrote:

Dana, we talked briefly at the above mentioned meeting and coming out of the presentation you made, I have a question on parking. I asked you at the meeting what

APPENDIX C

considerations were given for parking with the suggested zoning changes. You indicated that parking in general had not been considered. I am the chair of the Bronte Parking committee and we are trying to better understand Bronte's short and long term parking requirements. Could you share your thoughts on what is the coloration between parking and expanding commercial buildings. As an example, if one used the town's new building height standards can the town determine the number of people that would use this building. Information like this helps our committee to better understand long term parking needs.

Just for your own information we have a problem with Stagnate parking in Bronte. Stagnate parking means the same car is sitting in the same town parking zone for too long of a period of time. This usually happens where there are few retail outlets. You know what type of feedback we get at the BIA office. This is our problem and we are working on a few small suggestions with the Bronte stake holders on how we can improve this. What we do not want is long term commercial planning that is going to accelerate stagnate parking.

Thanks Dana and all the best.

Regards,
Paul Cates

Dana Anderson, MCIP, RPP
Director
Planning Services

Town of Oakville | 905-815-6020 | f: 905-338-4414 | www.oakville.ca

<image001.jpg>

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APPENDIX C

Mr. Joe Nethery
Manager, Zoning By-law Project
Town of Oakville

December 7, 2013

Via email: joenethery@oakville.ca

Mr. Nethery,

Re: Draft 2014 Zoning By-Law – Town of Oakville

Thank you for taking the time to discuss the proposed changes associated with *inZone*, Oakville's proposed zoning by-law on December 6, 2013. As a lifetime resident of Oakville who has lived in several areas within Oakville over the years, I have seen many changes and I support much of the great planning work that has shaped Oakville's vibrant and engaging neighbourhoods.

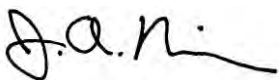
However, in reviewing the proposed changes to Lot coverage in "R0 zones" I find the proposed lot coverage in Table 6.4 (Lot Coverage in the -0 Suffix Zones) to be overly restrictive and hope your department and council consider an approach that is more reasonable and respectful of individual property rights. This proposal affects infill development in a negative way by reducing and limiting renewal opportunities, creating inequities with existing residential units and potentially reducing future assessment values and thus property tax revenue for the Town of Oakville.

If the goals of the *inZone* process are to support the Livable Oakville Plan and ensure development has respect for the character of local neighbourhoods, I would respectfully suggest a more balanced and integrated approach be considered by utilizing all land use planning tools including urban design guidelines and not overly relying on the blunt, non-nuanced approach that zoning achieves. One of the Guiding principles of Liveable Oakville is to provide "choice throughout the town in order to: ... foster the Town's sense of place through excellence in building and community design" (section 2.2.2. c.). I fail to see how these overly restrictive lot coverage requirements support this guiding principle.

In summary, the proposed changes in *inZone* related to lot coverage are overly restrictive and higher lot coverage percentages should be considered for "R0 zones" before these zoning changes are approved.

I would be happy to discuss any of this further with you and look forward to a response.

Best Regards,



J.A. (Sandy) Nairn

c: Mayor Rob Burton (mayor@oakville.ca)
Ralph Robinson, Ward 1 Councillor (rrobinson@oakville.ca)
Alan Johnston, Ward 1 Councillor (ajohnston@oakville.ca)
Roger Lapworth, Ward 4 (rlapworth@oakville.ca)
Allan Elgar, Ward 4 (aelgar@oakville.ca)

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 11:25 PM
To: 'Sandy NAirn'
Cc: Joe Nethery
Subject: RE: Zoning By-law Review (inZone) - Proposed Lot Coverage for Residential Zones
Categories: v2.0 Inputs

Good evening Mr. Nairn –

Per your December 7, 2013 email, in the final draft (v3.0) staff are recommending a new “residential floor area ratio” calculation. Detailed comment is contained in the staff report being released Friday, but suffice to say the proposed calculation of “residential floor area” and resultant “residential floor area ratio” is modelled on the approach used in Mississauga, where all floor area within the building is measured without any exclusions. To compensate for the additional areas included in the calculation of residential floor area, the recommend ratio for the new “maximum residential floor area ratio” is adjusted upward from the current “floor area/lot ratio” figures listed in Zoning By-law 1984-63, as amended. Individual tiers are also proposed to be reorganized to fit the current minimum lot area figures, meaning each tier spans 92.9 square metres (1000 square feet). Based on modelling of potential building sizes available under Zoning By-law 1984-63, as amended, the increase in increases range between 10.3% and 16.7% over existing permissions – or, between 3 and 5 percentage points in the final draft (v3.0) By-law – to accommodate previously excluded exterior walls, stairs, and elevators. The two-regulation framework better enables as-of-right design flexibility within the zoning by-law.

In terms of the mechanics of the recommendation, lot coverage for shorter dwellings – now proposed to be set at less than or equal to 7.0 metres, based on further review – is proposed to remain the same as in the second draft (v2.0) and Zoning By-law 1984-63, as amended: 30% in the Residential Low RL1 and RL2 Zones; 35% in the Residential Low RL3-0, RL4-0, RL5-0, and RL10-0 Zones, and not applicable in the Residential Low RL8-0 Zone. For taller buildings – greater than 7.0 metres in height – the recommendation is based on the 85th percentile (with rounding) of all lot coverage estimates existing today in the applicable zones: 25% in the Residential Low RL1 and RL2 Zones; 35% in the Residential Low RL3-0, RL4-0, RL5-0, and RL10-0 Zones, and remaining not applicable in the Residential Low RL8-0 Zone.

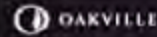
Using the 85th percentile level best recognizes the “existing residential character” across the broad area covered by today’s R0 Zones. The regulation as proposed, and therefore the new infill and replacement dwellings and additions to existing dwellings constructed within this framework, will conform to and implement Section 11.1.9 of the Livable Oakville Plan.

In the updated final draft (v3.1), a new subsection (b) is proposed under lot coverage to clarify and carry forward the current staff interpretation that accessory buildings and structures are included within – not additional to – the lot coverage for the main dwelling. It is a total 25%/35% calculation.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Sandy NAirn [REDACTED]

Sent: Saturday, December 07, 2013 2:57 PM

To: Joe Nethery

Cc: Mayor Rob Burton; Ralph Robinson; Alan Johnston; Roger Lapworth; Allan Elgar

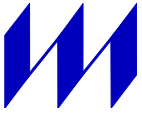
Subject: Zoning By-law Review (inZone) - Proposed Lot Coverage for Residential Zones

Mr. Nethery,

Please find attached a letter regarding comments on proposed changes associated with inZone and residential lot coverage.

Best Regards,

J.A. (Sandy) Nairn



WESTON CONSULTING

planning + urban design

Planning Services Department
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario L6H 0H3

December 10, 2013

Attn: Joe Nethery, Manager – Zoning By-law Project

Dear Sir,

RE: Response to Draft Zoning By-law (InZone)
██████ Burloak Drive
Town of Oakville

Weston Consulting has been retained by the owners of ██████ Burloak Drive, in the Town of Oakville, to provide information and assistance with regards to planning matters affecting these lands. We have reviewed of the Draft Zoning By-law and the provisions that are proposed for the subject lands as part of the InZone Project, and have prepared this letter to express our concerns with changes to the permitted uses as included in the Second Draft (v2.0), dated September 18, 2013.

The subject lands are currently zoned "Employment (E1, SP2)" in the current Zoning By-law No. 1984-63 and are proposed to be zoned "Business Employment (E2)" in the InZone Project Second Draft (v2.0). Our concerns are with the removal of permitted land uses including "*Drive-Through Facility*", "*Financial Institution*", and "*Restaurant*". Each of these uses is currently permitted and would be removed if the draft zoning by-law is enacted in its current state. An application for Site Plan Approval (file # S.P. 1635.018/01) was submitted by the property owner for the development of a building containing a "*Financial Institution*" with a "*Drive-Through Facility*" and "*Professional Offices*" on the subject lands. A "*Restaurant*" has also been contemplated for the site and it is our client's objective to retain flexibility to establish this use. Our client initiated the development process for the subject lands in 2010, however unexpected setbacks have forced several delays to the Site Plan process. At this time, the process is underway and Site Plan Approval is anticipated in the near future.

While we understand that this application would be processed per the Transitional Matters clause in Section 1.9 of the draft by-law, our concerns remain as building permit issuance would be required within two years of enactment of the new by-law, prior to Section 1.9 being repealed. If building permits were issued in this timeframe, the end result would be the proposed development obtaining legal-nonconforming status shortly after its construction. The legal non-conforming status is highly undesirable as it affords our client little certainty and flexibility with



future tenants for this property. Furthermore, the legal non-conforming status of these lands will require planning approvals any time revisions to these uses or use configurations are proposed. In order to eliminate the pending legal non-conforming status for the property, it is our client's preference to revise the draft zoning by-law to be consistent with the proposed development and include the uses listed above as permitted uses of the subject lands.

The subject lands are designated "*Business Employment*" in the *Livable Oakville Plan*. It is the intention of this designation to "*provide for a wide range of business and industrial uses*" (Section 14.4). We find that the current zoning would achieve this objective by encouraging employment uses in the area, while also contemplating employment supportive uses to provide services to these employment uses. It is my opinion that maintaining the current permitted uses including "*Drive-Through Facility*", "*Financial Institution*", and "*Restaurant*" is consistent with the intent of the Official Plan designation.

The timing of the zoning changes causes a concern for our client as an application has been submitted to develop the subject lands in accordance with the current zoning requirements. This process has been underway for approximately two years. This application should not be subjected to unnecessary time constraints or an undesirable legal status that would result from the Town's draft zoning provisions. In considering potential approaches to addressing our concerns with regards to the permitted uses, a similar example exists on the property immediately south of the subject lands (500 Great Lakes Blvd.). The property is currently used as a place of worship, which is a permitted use under the E1 zone in the current Zoning By-law. These lands will be zoned E2 in the draft Zoning By-law and have been granted a special provision to add a "*Place of Worship*" to the permitted uses of the lands, where no such special provision exists in the current by-law.

The subject lands are similar to [REDACTED] Great Lakes Blvd., as a Site Plan has been submitted to develop the lands with land uses that are permitted in the current Zoning By-law but not in the draft Zoning By-law. A similar approach for the subject lands would include "*Drive-Through Facility*", "*Financial Institution*", and "*Restaurant*" as permitted uses through a site specific provision, and would resolve our concerns. This approach would also eliminate the future legal non-conforming use status and timing constraints to building permit issuance.

We look forward to discussing this matter with your further. If you have questions or require any additional information please contact the undersigned at extension 305.

Yours truly,

Weston Consulting

Per:



David Capper, BES, MCIP, RPP
Associate



Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 8:46 PM
To: 'David Capper'
Cc: 'Justin Adema'; 'Ram Nischal'; [REDACTED] 'Mark Emery'; Dana Anderson; Diane Childs; Denis Daoust; Joe Nethery
Subject: RE: [REDACTED] Burloak Letter
Categories: v2.0 Inputs

Good evening Mr. Capper –

Per your letter of December 10, 2013, staff have the following reply. By issue raised:

1.

Planning applications in process remain proposed to be reviewed under the zoning rules in force. This means for some time an application will need to conform to both Zoning By-law 1984-63, as amended, and the 2014 Zoning By-law. Applicants would need to comply with both sets of zoning regulations or seek relief or amendments to one – or possibly both – By-laws.

Legal non-conformity is tied to use and not tenancy. The floor area tied to the use would remain legal non-conforming so long as the use is not extinguished.

2.

Through the inZone conformity official plan amendment, staff are proposing adding existing service commercial uses (limited to restaurants, financial institutions, and drive-through facilities) and new service commercial uses (subject that the use be permitted on the same lot as another permitted use in the designation) as permitted uses in the Business Employment designation through the inZone Conformity OPA.

The staff recommendation in the final draft (v3.0) of the 2014 Zoning By-law is to permit new restaurants and financial institutions on a lot in the Business Employment E2 Zone, subject to a maximum net floor area of 20% of the total net floor area on the lot and that prior construction has occurred to provide an equal amount of floor space on the lot for a permitted use on the lot not subject to this limitation (i.e. business office, manufacturing). The 20% maximum is derived from current zoning restrictions relating to discounted minimum parking requirements. This amount of scaling is the maximum staff can support outside of a comprehensive review of the commercial and employment lands policy framework. Legal existing uses in stand-alone buildings shall additionally be permitted with no maximum net floor area.

Motor vehicle uses are not permitted in the Business Employment designation of the Livable Oakville Plan. In the Automobile Related Uses Study completed as part of the inZone project, these lands were not identified as recommended for motor vehicle use permissions.

3.

The identified property to the south [REDACTED] the new Harvest Bible Chapel) has a policy in the Livable Oakville Plan (current 7.1.2(i), although I think the inZone Conformity OPA proposes to relocate it to a new home in the Exceptions) additionally permitting the place of worship. This policy requires implementation in the Livable Oakville Plan. (A number of other places of worship that legally exist today are proposed to obtain similar treatment.) A similar recommendation for this site cannot be supported.

APPENDIX C

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: David Capper [REDACTED]
Sent: Tuesday, December 10, 2013 1:02 PM
To: Joe Nethery
Cc: Justin Adema; Ram Nischal [REDACTED] Mark Emery
Subject: [REDACTED] Burloak Letter

Mr. Nethery,

Further to our recent discussions relating to the above captioned property, please accept the attached as our formal submission to the Town of Oakville comprehensive zoning by-law review. Please feel free to contact me should you wish to discuss further.

Kind regards,
David

David Capper
Associate



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FRANK G. ZAMBOSCO
BARRISTER AND SOLICITOR

BY EMAIL AND FAX (905) 338-4414

December 16, 2013

The Corporation of the Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Attention: Planning Department
Mr. Joe Nethery - Planning Services Manager
Mr. Charles McConnell - Planning Services Manager
Ms. Dianne Childs - Planning Services Manager

Dear Sirs/Mdmes:

RE: Joe Ragno ("Western Regency Construction Inc.")
[REDACTED] Speers Road, Oakville, Ontario

I am the solicitor for Mr. Joe Ragno, the owner of Western Regency Construction Inc., that owns the above property.

I understand that you met with Messrs. Ragno and Ambrose Grieco on November 7, 2013 at the Town Hall regarding their concerns on the proposed zoning changes. I understand that the meeting was left that a letter was to be provided to set out their concerns, so I have been asked to provide this letter. The concerns are as follows:

1. Retention of the existing use allowed under the present T-1 zoning. We appreciate that legal non-conforming use applies to existing tenants but the concern is in relation to new tenants when existing tenants move out;
2. I am advised by Mr. Ragno that the front area of the building was designated as 100% retail use over 30 years ago. Mr. Nethery was to search the Town records to determine if a site specific exception/by-law/variance was granted;
3. The second floor (approximately 23,000 square feet) of office use will not be affected by the new amended parking requirements;

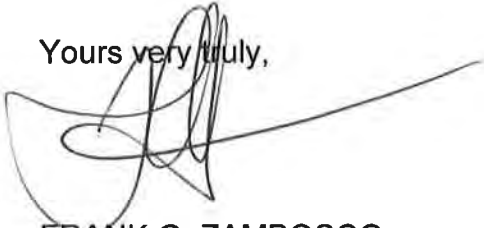
- 2 -

4. The main floor industrial use under the present T-1 zoning will not be affected by the zoning changes;
5. Automotive use and motor vehicle repair will be permitted to continue in the complex;
6. Limited outside storage will be allowed as in the current T-1 zoning.

We look forward to you getting back to us on these concerns.

Thank you.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Frank G. Zambosco', with a long horizontal line extending to the right.

FRANK G. ZAMBOSCO
FGZ/cmc
c: Joe Ragno
c: Ambrose Grieco

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 9:01 PM
To: 'Carol McMonagle'
Cc: Charles McConnell; Diane Childs; Dana Anderson; Denis Daoust; 'ambrose [REDACTED] Joe Nethery
Subject: RE: Joe Ragno (Western Regency Construction Inc.) [REDACTED] Speers Road, Oakville, Ontario
Categories: v2.0 Inputs

Good evening Mr. Zambosco –

Staff have the following reply to your letter of December 16, 2013, which is further to our meeting with Messrs. Grieco and Ragno on November 7, 2013. By point in your letter:

1. A zoning by-law cannot be more permissive than the official plan it implements. The uses permitted in the Business Employment E2 correspond to those permitted in the Business Employment designation of the Livable Oakville Plan (as proposed to be amended by the inZone Conformity OPA). Accordingly, some use permissions are proposed to be deleted.

Legal non-conforming status is tied to use, not tenancy. The status only disappears once the use is extinguished, which is not necessarily the vacancy of a tenancy.

The zoning status of all uses on the lot can be confirmed by applying for a zoning certificate of occupancy, which are issued for free by our Building Services department.

2. I have searched our paper and electronic files and have no record of any permission being given to the use. If the retail use was established under previous zoning rules, it could be legal non-conforming. The zoning certificate I've mentioned above would ultimately confirm this.
3. Section 5.1.1(b) of the final draft (v3.0) recommends only applying the new parking regulations where a change in use occurs requiring additional parking spaces, or where new floor area is added to a building that has the effect of requiring more parking spaces on the lot. If that business office use exists today at that area, the new parking regulations would only kick in if a change in use (not tenancy) occurs that requires more parking spaces. A blended rate in Table 5.2.1 may also apply on the site to reduce parking requirements, but this would be confirmed at the time of review of a development application.
4. A number of industrial uses (manufacturing, repair shop, warehouse) are proposed to be permitted as-of-right in the Business Employment E2 Zone.
5. The lands were identified as appropriate for a range of motor vehicle uses in the Automobile Related Uses Study completed as part of the inZone project. The uses permitted are contained in Special Provision 3.
6. The final draft (v3.0) recommends permitting outside storage in the Business Employment E2 Zone to a maximum 25% area coverage of the lot.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes

APPENDIX C

required to the Livable Oakville Plan. This is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Carol McMonagle [REDACTED]
Sent: Monday, December 16, 2013 3:14 PM
To: Joe Nethery; Charles McConnell; Diane Childs
Subject: Joe Ragno (Western Regency Construction Inc.) [REDACTED] Speers Road, Oakville, Ontario

Dear Messrs. Nethery and McConnell and Ms. Childs,

Please see the attached letter dated December 16, 2013.

Thank you.

Carol McMonagle
Assistant to Frank G. Zambosco

FRANK G. ZAMBOSCO
Barrister & Solicitor



Note: if you have received a PDF document and do not have the Adobe PDF Reader installed on your computer, you can download it for free at: <http://get.adobe.com/reader/>

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 11:42 PM
To: [REDACTED]
Cc: Keith Bird; Dave Gittings; Dana Anderson; Diane Childs; Denis Daoust; Joe Nethery
Subject: RE: [REDACTED] Lakeshore Rd E rezoning
Categories: v2.0 Inputs

Good evening Mr. Mannell –

Staff have the following reply to your December 24, 2013 email. By point:

1.
The two properties “at the southeast corner” are [REDACTED] Lakeshore Road East ([REDACTED]). I’ll note that the properties all to the south are also designated Low Density Residential.

2 and 3.
Part of the inZone project is implementing the new Livable Oakville Plan and recognizing the legal existing uses of lots occurring today. As part of doing this, one of staff’s recommendations is to recognize a number of legal existing uses as they are in both the Livable Oakville Plan and Zoning By-law. This sees a number of properties being redesignated in the area north and east of Downtown Oakville. Some properties are being redesignated to recognize legal existing apartments, while this property is proposed to be redesignated and rezoned to recognize the listed heritage home.

4.
Notice was published in the Oakville Beaver on October 9, 2013 (meeting Planning Act requirements) and again on October 16, 2013. A mailout was not sent directly to the address. I have since added you to the project mailing list and I’m hoping the courtesy notice of the February 25 meeting was mailed to you.

5.
The updated final draft (v3.0) is being presented to Council at a special meeting on Tuesday, February 25. Staff’s recommendation is for Council to pass the By-law. Council meetings start at 7 p.m. in Oakville.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: [REDACTED]
Sent: Tuesday, December 24, 2013 12:10 PM

APPENDIX C

To: Joe Nethery
Cc: Keith Bird; Dave Gittings; Dana Anderson; Diane Childs
Subject: RE: [REDACTED] Lakeshore Rd E rezoning

Thanks for the information, but I need some clarification on some of the points raised.

1) What is meant by the 'southeast corner of Lakeshore and Allan Street' zone? Other than [REDACTED] Lakeshore Road East, what other properties are included in this zone?

2) Current R9 zoning - You note that the R9 zoning on our property has not changed since at least 1985, and there have been no rezoning applications. The existing building has also been on the property since at least 1985 as a 'legal non-conforming use', so there has not been any changes that would require rezoning. It seems most appropriate to just rename the zoning to RH, which is similar to the current zoning and the zoning of the 6-storey apartment building to the east. If any building proposal is forthcoming (without property consolidation to meet the R6 zoning minimum lot sizes), it should be handled as the site-specific rezoning of [REDACTED] Lakeshore Road East was.

3) Low density Residential - while RL10 is a low-density residential zoning, it would be quite a stretch to describe RL10-SP292 as low-density. It allows a four storey building, with 51% lot coverage. Your proposal for our property, which is slightly larger than [REDACTED] Lakeshore Road East, would not allow a semi-detached dwelling, would not allow a 4-storey building (height restriction) and would be limited to 35% lot coverage. If we proposed to build an identical building to 360 Lakeshore Road East, we would be unable to do so without extremely generous concessions from the Town including a higher-density rezoning. Has the planning direction of the Town changed so drastically in the few years since the rezoning of 360 Lakeshore Road East that it would not be permitted today? Given the 6-storey apartment to the East and the 4-storey 'semi-detached' building to the West of our property which have rendered the existing building obsolete, what is the justification for reducing our zoning from R9 to RL4?

4) Did the Town send us a notice about changing our zoning from the high-density R9 to the RL4 single detached home zoning? We do not recall seeing any notice.

5) When is the Town planning on finalizing the rezoning of our property.

Thanks for the information, and we look forward to discussing this with you in the new year. Hope you have a Merry Christmas and a Happy New Year.

Terry & Judy Mannell
[REDACTED]

-----Original Message-----

From: Joe Nethery [<mailto:JoeNethery@oakville.ca>]
Sent: December 19, 2013 11:53 AM
To: [REDACTED]
Cc: Keith Bird; Dave Gittings; Dana Anderson; Diane Childs
Subject: RE: [REDACTED] Lakeshore Rd E rezoning

Good morning Mr. Mannell –

As part of the ongoing inZone project, one of many of staff's recommendations is recognizing a number of uses as they legally exist today in the 2014 Zoning By-law. In the area generally around downtown Oakville, a number of zones (and Official Plan/Livable Oakville Plan designations) are proposed to be changed. The southeast corner of Lakeshore and Allen is one of these locations.

Staff have reviewed past consolidations of Zoning By-law 1984-63 and note that the current R9 Zone applying to your property has been in place since at least 1985 – there was no recent rezoning applicable to your lot. The detached dwelling is currently a legal non-conforming use. The lot to the west – draft zoning RL10 SP 292 – is a semi-detached dwelling, not a stacked townhouse.

APPENDIX C

This means that, at present, the uses being undertaken on these two lots are only permitted in the Low Density Residential designation of the Livable Oakville Plan. Staff will be proposing that the zoning and Livable Oakville Plan policies recognize the uses legally existing on these lots as permitted.

The project team is happy to discuss this further by phone if you wish, although our schedules are better next week (23rd and AM of the 24th). Town Hall is closed until after January 1, and I'm back in the office on Monday, January 6.

From: Dave Gittings
Sent: Tuesday, December 17, 2013 7:21 PM
To: terry@groupfourfurniture.com
Cc: Joe Nethery; Keith Bird
Subject: FW: [REDACTED] Lakeshore Rd E rezoning

Thanks for your note Terry.

I have cc'd this note to Joe Nethery, Manager of Oakville's Zoning By law Project so that he may provide a response to your concern over the draft RL4 designation.

Dave

Dave Gittings
Ward 3 Town Councillor
Office of the Mayor and Council
Town of Oakville | 905-844-5513 | | www.oakville.ca

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Joe Nethery MCIP, RPP
Manager, Zoning By-law Project
Planning Services
Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca

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-----Original Message-----

From: Group Four Furniture [REDACTED]
Sent: December-17-13 5:34 PM
Subject: [REDACTED] Lakeshore Rd E rezoning

Councillors Dave Gittings and Keith Bird

I was reviewing the Town of Oakville's web site, and was surprised to see that the current high-density residential zoning (R9, it seems) on our property is being reduced to RL4. Given that the property is sandwiched between a 4-storey stacked townhouse (new zoning RL10-292) and a 6-storey apartment building (new zoning RH), this new zoning does not seem to be appropriate.

APPENDIX C

Please have Town staff review this proposed zoning change, and let me know the reasoning behind the decision. It was only a few years ago that the Town allowed the rezoning for 360 Lakeshore Road East, so I do not understand why the Town is proposing to limit our property to a detached home.

Terry Mannell



<< OLE Object: Picture (Device Independent Bitmap) >>

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 9:43 PM
To: [REDACTED]
Cc: Matt Rubic; Dana Anderson; Diane Childs; Denis Daoust; Joe Nethery
Subject: RE: Accessory Structures

Categories: v2.0 Inputs

Good evening Marius –

Staff have the following reply to your email of December 17, 2013. By point in your submission:

- A number of relaxed yard standards will be proposed for residential accessory buildings and structures in the updated final draft (v3.1) being released on Friday. While setbacks in front, flankage, and interior side yards will remain the same as for the main dwelling, in a rear yard:
 - o The setback can be reduced to 0.6 metres from all lot lines where the building or structure is 2.0 metres away from the main dwelling. The maximum height is 4.0 metres, measured to the tallest point of the structure, for all such buildings and structures
 - o In the portion of the rear yard defined by the depth of the minimum flankage (exterior side) yard required for the dwelling, the same setback applies but the building shall be limited to a maximum 2.5 metres in height. This accommodates a wide variety of pre-fabricated sheds available at most retail stores
- All buildings and structures remain proposed to be subject to the lot coverage requirement.
- 0.6 m (2 foot) setbacks are recommended in order to accommodate any openings (windows, mainly) and eaves associated with the building or structure on the same lot.
- Regulations tied to the provision of fences are not recommended, as the removal of a fence (potentially by a neighbour and not the applicable landowner) may put the lot/building out of compliance with zoning. Instead, staff have used existing height maximums and a review of sheds for sale to make the above justification.

Also, please note that in the updated final draft (v3.0) an updated Section 6.4.2 shall include a provision that includes accessory buildings and structures within the lot coverage for the lot and not as additional lot coverage. The -0 Suffix recommendation is based on the 85th percentile (with rounding) of all lot coverage estimates existing today in the applicable zones: 25% in the Residential Low RL1 and RL2 Zones; 35% in the Residential Low RL3-0, RL4-0, RL5-0, and RL10-0 Zones, and remaining not applicable in the Residential Low RL8-0 Zone.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Joe Nethery
Sent: Thursday, December 19, 2013 7:05 PM
To: [REDACTED]
Cc: Joe Nethery; Matt Rubic
Subject: RE: Accessory Structures

Good evening Marius. It's not too late (though I'm glad I checked the inZone email this evening). I'm going to add this to my list of issues we're reviewing right now. It will take some time to reply as I'm waiting to send out replies until all issues are reviewed. I think there are some good ideas in here (and I think some are already covered in the framework as currently structured).

The full discussion is contained in Appendix A our September 30, 2013 staff report (attached). You'll be looking for the Section 6.5 (I think) references.

We'll be in touch.

Thanks –

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services
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From: Marius F.M. de Bruyn [REDACTED]
Sent: Tuesday, December 17, 2013 12:08 AM
To: InZone Project Team
Subject: Accessory Structures

Hello there,

I had talked to someone in Zoning a while back and asked when accessory structures would be discussed/reviewed. I guess I missed it.

I would like to see the following incorporated to the setbacks for accessory structures:

If the accessory structure is less than 10m², then the min. setbacks are

a) 0cm for structures up to 180cm high (so less than the height of a fence; like small storage sheds/outdoor closets, like some of the Rubbermaid ones),

b) 15cm for structures up to 250cm high

c) 60cm for structures up to 400cm high

- This is a practical request: I see too many yards with sheds under 10m² where people do not abide by the accessory structure setbacks. This change would also be helpful for those small back yards, where every centimetre counts.

APPENDIX C

If the accessory structure is 10m² or larger, and the lot is less than 750m², then the min. setbacks are

- a) 30cm for structures up to 250cm high
- b) 60cm for structures up to 400cm high

If the accessory structure is 10m² or larger, and the lot 750m² or larger, then the min. setbacks are

- a) 60cm for structures up to 250cm high
- b) 120cm for structures up to 400cm high

- The 750m² number was taken from Mississauga.

An open roofed (or no-roof) garden structures such as pergolas, arbours etc. is not considered an accessory structure if the lot coverage of the garden structure is less than 10m². The garden structure setbacks would remain as shown above.

- Mississauga does not count pergolas, arbours etc. as accessory structures and classifies them as landscaping.

As a landscape architect I seem to be battling the restrictions regarding accessory structures. The last time the zoning by-laws were changed, some very positive changes regarding accessory structures were worked in. However, in this zoning by-law proposal, the maximum coverage of an accessory structure has been changed from 10 to 5% (with a maximum size), hence the request to exclude open or non-roofed garden structures.

Hope these requests have not come too late.
Please feel free to contact me.

Sincerely,

Marius

Marius F.M. de BRUYN, OALA, CSLA, ASLA
AESTHETICS+DESIGN *landscape architects*



Joe Nethery

From: Joe Nethery
Sent: Thursday, February 13, 2014 12:02 AM
To: 'Greg Callaghan'
Cc: Joe Nethery; Dana Anderson; Diane Childs; Denis Daoust; Peter Kozelj
Subject: RE: Bronte Village, Lakeshore Road

Categories: v2.0 Inputs

Good evening Mr. Callaghan –

To confirm, I omitted these again by error in v3.0. Doing my quality control check tonight. In the updated final draft (v3.1) on Friday, you'll see a permission recognizing legal existing uses in the MU1 and MU2 Zones. I've added you to the project mailing list to ensure you get the email once it goes online. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Thanks –

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Greg Callaghan [REDACTED]
Sent: Wednesday, January 22, 2014 2:50 PM
To: Joe Nethery
Subject: Bronte Village, Lakesore Road

Joe,

Just as a reminder we had discussed with Peter Kozelj and Matt Rubic at the counter the last Friday that the current MU1 uses no longer appear to permit live work units. Uses specifically permitted under the previous special sections when rezoned for two recent developments that have occurred at the South West corner of Nelson and Lakeshore as well as the units on the north side of Lakeshore, across street.

Can you please amend the provisions in this zone to allow these uses or clarify if your proposal is to make these development legal non confirming uses.

Thanks Greg

P.S. I thought it was Council direction that these types of units where what was being supported by Council in this location?

Might want to check also North west corner of Lakeshore and Bronte as same exist there.

Joe Nethery

From: Bill Hicks [REDACTED]
Sent: Friday, January 17, 2014 1:19 PM
To: Joe Nethery
Subject: RE: inZone: Final Subcommittee Agenda Online

Categories: v2.0 Inputs

Thanks That helps with telling my clients there will be a lot of double applications for variances and the committee will be very confused as will residents. Hopefully the C of A will weigh the evidence in favour of the new bylaw

William R. Hicks
B.E.S., B.Arch., MRAIC. OAA
Partner
The Hicks Partnership
[REDACTED]
www.hickspartners.ca

From: Joe Nethery [<mailto:JoeNethery@oakville.ca>]
Sent: January 17, 2014 12:53 PM
To: 'Bill Hicks'
Subject: RE: inZone: Final Subcommittee Agenda Online

This may help, too – it's our transition clause handout attempting to explain the intent of Section 1.9 in plainer English.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services
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From: Bill Hicks [REDACTED]
Sent: Friday, January 17, 2014 12:33 PM
To: Joe Nethery
Subject: RE: inZone: Final Subcommittee Agenda Online

THANKS Joe That helps immensely

William R. Hicks
B.E.S., B.Arch., MRAIC. OAA
Partner
The Hicks Partnership

Joe Nethery

From: Dan Marion [REDACTED]
Sent: Thursday, January 30, 2014 11:08 PM
To: Joe Nethery; Diane Childs
Cc: Dana Anderson; Denis Daoust
Subject: Re: Athletic/Sports Facilities in Employment Zones

Categories: v2.0 Inputs

Thank you for the update Joe, I look forward to reviewing the next draft.

Best regards,
Dan

From: Joe Nethery <JoeNethery@oakville.ca>
Date: Thursday, 30 January, 2014 5:07 PM
To: Dan Marion [REDACTED] Diane Childs <DChilds@oakville.ca>
Cc: Dana Anderson <DAnderson@oakville.ca>, Denis Daoust <DDaoust@oakville.ca>, Joe Nethery <JoeNethery@oakville.ca>
Subject: RE: Athletic/Sports Facilities in Employment Zones

Good afternoon Dan –

Per your email below, staff will recommend carrying forward the current zoning framework for “sports facility,” including the floor area maximum within 100.0 metres of a residential zone, across the E1, E2, and E4 Zones in the final draft (v3.0) of the 2014 Zoning By-law.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. We will be sending out an email to the project mailing list when the final draft (v3.0) is online and available for review. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
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From: Dan Marion [REDACTED]
Sent: Wednesday, January 22, 2014 12:41 AM
To: Joe Nethery; Diane Childs
Cc: Dana Anderson
Subject: Athletic/Sports Facilities in Employment Zones

Hi Diane and Joe,

Further to our discussions, I wanted to write to you to reinforce my view that the "Sports Facility" use as outlined in Table 10.2 of the current inZone proposed Employment Zone uses (a use defined as Athletic Facility in the current ZBL) should continue to be permitted in all Employment Zones, and the restriction outlined in footnote #2 of the Additional Regulations should be deleted.

Sports Facility uses are predominantly located in areas where affordable, appropriately sized, freestanding or low rise multi-unit buildings can accommodate their unique requirements, and within precincts that generally permit light industrial uses. A Sports Facility that is exclusively indoors (and limited to 1,000m² if adjacent to residential uses) is completely compatible within these Employment Zones, and the removal or restriction of this use in the new by-law would effectively sterilize a large volume of the available inventory. The majority of this inventory is already built and will continue to permit Light Industrial uses going forward.

Further, the Sports Facility use is overwhelmingly used by organizations, both non-profit and for-profit, to provide additional athletic instruction or training to children from the local community. The removal or restriction of this use and the further constraining of available locations for these facilities will force families to travel to other communities, a situation that currently exists for many people and will only be exacerbated.

Thank you again for your time and consideration, I appreciate the open nature of our various ongoing discussions and commend you both for your hard work through this difficult process.

Best regards,
Dan

Joe Nethery

From: Joe Nethery
Sent: Tuesday, January 07, 2014 11:32 AM
To: 'KimberleyHovesen'; 'John Vlacich' [REDACTED]
Cc: Joe Nethery
Subject: RE: Updated Office Employment Zoning Recommendation
Attachments: Pages from current use permissions comparison-updated version for 2nd draft by-law.pdf

Categories: v2.0 Inputs

Good morning Kim –

The Livable Oakville Plan (Official Plan) has changed the use permissions in employment zones. Many service commercial and retail uses currently permitted in employment zones are proposed to no longer be permitted. Some of these uses proposed to be deleted in the 2014 Zoning By-law include limited retail (the 40-60 split would be changed to 20-80), place of entertainment, motor vehicle dealership.


I have attached our comparison table for the proposed Office Employment E1 Zone for review. Note that there are already changes required to this table based on my previous correspondence with you (chiefly, adding a checkmark next to the "Light Industrial Uses" row) and care must be taken to read both By-laws (1984-63 and 2014) in their entirety to determine the use permissions and regulations attached to the property. An updated draft (targeted for Council approval on February 25) will be released no later than the first week of February.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: KimberleyHovesen [REDACTED]
Sent: Tuesday, December 17, 2013 12:41 PM
To: Joe Nethery; 'John Vlacich' [REDACTED]
Cc: Dana Anderson; Diane Childs; Denis Daoust
Subject: RE: Updated Office Employment Zoning Recommendation

Joe,

I do have a question. So I understand that we will be permitted to continue our current activities after the by-law is passed. However, what about in future if the building is sold? So currently we have a wholesaling & Distribution operation of textile goods and related products. What if a company buys this property and wants to do some light manufacturing and distribution? Which would have been allowed under T1. Will all T1 activities be allowed to take place on the property in future or only the specific use at the time of the by-law passing?

Kim

Kimberley Hovesen-Krasa

[REDACTED]

JF FABRICS

[REDACTED]



From: Joe Nethery [<mailto:JoeNethery@oakville.ca>]
Sent: December-11-13 1:16 PM
To: 'John Vlacich' [REDACTED] KimberleyHovesen
Cc: Dana Anderson; Diane Childs; Denis Daoust; Joe Nethery
Subject: Updated Office Employment Zoning Recommendation

Good afternoon John and Kimberley –

I was just speaking on the phone with John and am writing to confirm our conversation. Staff will be recommending, in the final draft (v3.0) of the 2014 Zoning By-law, permitting industrial uses (proposed to be renamed “manufacturing”) and wholesaling and distribution in the proposed Office Employment E1 Zone, subject to a footnote limiting the permission to only those uses legally existing on the effective date of the 2014 Zoning By-law. If the lot has a manufacturing or wholesaling and distribution use that was legally established on the date Council passes the 2014 Zoning By-law, the use will be permitted on that lot.

Staff will be reviewing use permissions again in a Commercial and Employment Lands Review currently planned for 2014/2015. I have added your name to the inZone project mailing list, which we will be using to begin a mailing list for that study. This should ensure you are contacted once the studies are launched, but do keep monitoring the Town’s website (in particular, <http://www.oakville.ca/business/planning-studies.html>) for more information.

If you have any questions in the interim, please do not hesitate to contact me or Diane Childs (cc’d, ext.3986). I have included your comment below and this reply in the correspondence package forming part of staff’s final report.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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Joe Nethery

From: Joe Nethery
Sent: Tuesday, January 07, 2014 3:39 PM
To: 'Kirk & Elizabeth Brouse'
Cc: Carolyn Van Sligtenhorst; Joe Nethery
Subject: RE: First and Second St. zoning

Categories: v2.0 Inputs

Thank you for the feedback, Mr. and Mrs. Brouse. I will add your email to the correspondence package being presented to Council in February.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Kirk & Elizabeth Brouse [REDACTED]
Sent: Tuesday, January 07, 2014 2:16 PM
To: Joe Nethery
Cc: Carolyn Van Sligtenhorst
Subject: First and Second St. zoning

Hello Joe,

We are the owners of the house located at [REDACTED] Second St. Unfortunately we were unaware of the meeting held mid December but I recently spoke to Carolyn Van Sligtenhorst and received both the handout and presentation material. After speaking to Carolyn and reviewing the information we would like to play our part in this discussion by saying:

- We are very much in favour of eliminating the floor area regulation for a number of reasons. Our second floor is only 55% the size of the first floor, we need more space and yet we are at the current GFA maximum. Adding second floor space would not interfere with our neighbours nor distract from the look of the neighbourhood. Most old homes have cellars for basements which is not liveable space and the cost of lifting the house and creating a new basement versus adding to the second floor isn't close to comparable.
- If you eliminate the GFA regulation then the logical replacement is a height restriction. Is 10 metres the appropriate maximum for the District, not sure, but since most of the buildings in the area are within that height now then it is probably the right number.
- Lot coverage ratio is probably the most important regulation to maintain the look and feel of the District. Too much coverage and trees start to disappear. Again not certain if 25% is the perfect number but something close to it makes sense.

Hope this feedback helps.

Regards,

Kirk and Elizabeth Brouse

Joe Nethery

From: Joe Nethery
Sent: Monday, February 03, 2014 10:17 AM
To: 'Clifford Waxman'; Diane Childs; 'Dana Anderson'
Cc: 'Laurie McPherson'; 'Sheila Wynberg'; Joe Nethery
Subject: RE: communication beam

Categories: v2.0 Inputs

Good morning Clifford (and all) –

The correspondence below is satisfactory. Staff will recommend removing the Holding provision in the final draft (v3.0).

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Clifford Waxman [REDACTED]
Sent: Thursday, January 16, 2014 9:06 PM
To: Joe Nethery; Diane Childs; Dana Anderson
Cc: Laurie McPherson; Sheila Wynberg
Subject: FW: communication beam

Hello all,

At our meeting this week concerning the 6 acres on the east side of Bronte road north of QEW, I am enclosing below the correspondence between Halton Police and our companies attention Sheila Wynberg concerning the Holding By-law, the “Caution” on our land title. Please confirm that you will be able to remove the Caution through the inZone process. If you need any additional details of documentation, please advise me (or Sheila) directly, with a cc to Laurie McPherson.

Clifford Waxman

From: [REDACTED]
Sent: Wednesday, January 15, 2014 10:33 PM
To: clifford waxman
Subject: FW: communication beam

[REDACTED]
Date: Thu, 4 Apr 2013 14:42:23 -0400
Subject: RE: communication beam

Hello Sheila,

The communications beam has been moved according to our plan and previously published timelines and no longer traverses the property on the South-East corner of Bronte and North Service Road.

Thank you very much for your cooperation as we transitioned to our new radio system.

Best Regards,

Bill Payne, PMP®
Manager, Information Technology
[REDACTED]

Halton Regional Police Service
[REDACTED]

From: Moore, Keith
Sent: 2013 April 04 12:18 PM
To: Payne, Bill
Cc: [REDACTED]
Subject: FW: communication beam

Hi Bill:

Further to our discussion this morning, please follow up with Ms Wynberg about the property they own to the south of the Halton Regional Centre and the related status of the radio system microwave beam.

Many thanks,

Keith

Keith Moore
Senior Planner
Planning and Research Bureau
Halton Regional Police Service
[REDACTED]

From: [REDACTED]
Sent: 2013 April 04 11:30
To: Moore, Keith
Subject: communication beam

Joe Nethery

From: Joe Nethery
Sent: Tuesday, January 14, 2014 2:04 PM
To: Diane Childs; 'swynberg [REDACTED]' 'Laurie McPherson'; Dana Anderson; Robert Thun
Cc: Lesley Gill Woods; Joe Nethery
Subject: RE: inZone: Wynberg [REDACTED]
Categories: v2.0 Inputs

Good afternoon all (note that I don't have Clifford's email, so hopefully someone can forward this on) –

To confirm:

Staff will recommend deleting clause 15.312.2(g), related to the 250.0 sq.m per premises maximum, from the final draft (v3.0) of the 2014 Zoning By-law. Instead, the 20% floor area maximum for all uses listed in the parent Office Employment E1 Zone Table 10.2 footnotes shall apply. This will allow the same flexibility for first floor tenancies and designs.

Clifford will sent all correspondence from Halton Region to Dana Anderson's attention (danderson@oakville.ca) related to the radiocommunications infrastructure.

Staff will review Section 27.3.4 of the Livable Oakville Plan (an exception related to use permissions and study requirements) for potential deletion as part of the inZone Conformity OPA.

Some additional minor revisions for clarity and consistency may additional be required in the two 2014 ZBL Special Provisions

Clifford, Sheila, and Laurie: please continue to monitor our website and staff reports for information on the Commercial and Employment Lands Review.

Thanks all for the productive meeting today –
Joe

-----Original Appointment-----

From: Joe Nethery
Sent: Friday, November 15, 2013 5:08 PM
To: Diane Childs; Charles McConnell; [swynberg \[REDACTED\]](mailto:swynberg [REDACTED]) 'Laurie McPherson'; 'Lyn Townsend'; Joanna Wice; 'ltownsend@ [REDACTED]' Nadia Chandra; Robert Thun
Cc: Dana Anderson; 'Lynda Townsend'
Subject: inZone: Wynberg 1105 Bronte (at QEW)
When: Tuesday, January 14, 2014 1:00 PM-2:00 PM (GMT-05:00) Eastern Time (US & Canada).
Where: Town Hall, Planning Services Boardroom

MeetingPlanner Reservation ID: 37452

Good afternoon all –

I can confirm this time for meeting with Sheila Wynberg and Laurie McPherson re: the Wynberg lands at [REDACTED] Bronte Road [REDACTED]. There are questions with respect to settlement language and the 2014 ZBL, as well as long term planning for the property.

APPENDIX C

I have reserved the Planning Services Boardroom at Town Hall for our discussion. Sheila, we have conference ability so if you can provide me with a phone number we'll call you when ready to begin.

Dana: optional.

Thanks –
Joe

Joe Nethery MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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Joe Nethery

From: Matt Rubic
Sent: Thursday, January 09, 2014 3:11 PM
To: 'Susan Miller'
Cc: Joe Nethery
Subject: RE: inZone: New Council Approval Date

Categories: v2.0 Inputs

Hello Susan,

The proposed zoning in the Draft 2014 zoning regulations is RL3-0 SP12. The draft Special Provision 12 has not yet been finalized but is proposing the lot coverage to be 22% [pending research] of the lot area and a maximum height permitted of 10.5m [pending research]. The lot area of [REDACTED] Second Street is 2190m² so based on the proposed 22% maximum lot coverage, a total lot coverage of 481m² would be permitted for the dwelling as per the draft regulations. According to plans on file the existing lot coverage is 12.2% of the lot area. So under the draft regulations there would be an addition of 9.8% of additional lot coverage permitted.

The minimum lot frontage permitted to create a lot in the draft RL3 zone is 18m which is also the current regulation where the existing lot frontage is 30.5m. So under the future zoning the lot could not be divided as the frontage of 18.0m could not be achieved for a severed lot without some type of relief from the 18.0m minimum lot frontage regulation (i.e. Committee of Adjustment or a Re-zoning). Please keep in mind that these are a draft set of regulations which could change between now and the proposed February 25th date of approval of the 2014 Zoning By-law. There will be an updated draft available prior to the approval date which should confirm the proposed regulations in Special Provision 12 which are pending research. I recommend following the InZone project leading up to the proposed approval date so that you are informed of any possible changes to the draft regulations. I hope this answers your questions, please do not hesitate to contact me if you have any further questions.

Best Regards,

Matt Rubic

Matt Rubic
Zoning Officer
Building Services

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From: Joe Nethery
Sent: Wednesday, January 08, 2014 1:53 PM
To: 'Susan Miller'
Cc: Matt Rubic
Subject: RE: inZone: New Council Approval Date

Good afternoon Susan –

I'm going to ask my project teammate, Matt Rubic, to help with your inquiry. He'll have easier access to your site's statistics for answering your questions.

Thanks –

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Susan Miller [<mailto:smiller304@cogeco.ca>]

Sent: Wednesday, January 08, 2014 1:50 PM

To: Joe Nethery

Subject: Re: inZone: New Council Approval Date

Hi Joe,

I attended the meeting on December 11, 2013 where you and the other Planning staff outlined the proposed zoning changes for the Second Heritage District. I am (finally!) following up with you.

My husband, Mike, and I live at [REDACTED] Second Street. Would you please outline for us how the proposed zoning changes will affect our property, in particular? I am still not clear about how the height of our house would be handled under new zoning. Also, is our house at the maximum size for our lot, or would expansion be allowed? Under new zoning, would future owners be able to sub-divide this lot, resulting in another dwelling behind the existing house?

Thanks, in advance, for any information you can provide. We will try to attend future meetings.

Susan Miller

On 2013-12-16, at 9:37 PM, Joe Nethery wrote:

<image001.jpg>

**New Targeted Approval Date
for the 2014 Zoning By-law**

**A Special Meeting of Planning and
Development Council is scheduled for
Tuesday, February 25**

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 9:28 PM
To: 'Dan Marion'; Diane Childs
Cc: Dana Anderson; Cathy Duddeck; Pam Damoff; Heinz Hecht; Denis Daoust; Joe Nethery
Subject: RE: inZone Review and Livable Oakville Conformity

Categories: v2.0 Inputs

Good evening Dan –

Staff have the following reply to your January 8, 2014 email and December 13, 2013 counter inquiry.

Through the inZone conformity official plan amendment, staff are proposing adding existing service commercial uses (limited to restaurants, financial institutions, and drive-through facilities) and new service commercial uses (subject that the use be permitted on the same lot as another permitted use in the designation) as permitted uses in the Business Employment designation through the inZone Conformity OPA.

The staff recommendation in the final draft (v3.0) of the 2014 Zoning By-law is to permit new restaurants and financial institutions on a lot in the Business Employment E2 Zone, subject to a maximum net floor area of 20% of the total net floor area on the lot and that prior construction has occurred to provide an equal amount of floor space on the lot for a permitted use on the lot not subject to this limitation (i.e. business office, manufacturing). The 20% maximum is derived from current zoning restrictions relating to discounted minimum parking requirements. This amount of scaling is the maximum staff can support outside of a comprehensive review of the commercial and employment lands policy framework. Legal existing uses in stand-alone buildings shall additionally be permitted with no maximum net floor area.

Accessory retail remains proposed to be permitted as part of an industrial use such as manufacturing or warehouse (maximum of the lesser of 15% of the net floor area of the premises or 200.0 square metres). Retail stores are not permitted in the Business Employment designation and remain proposed not to be permitted by staff.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Dan Marion [REDACTED]
Sent: Wednesday, January 08, 2014 3:41 PM
To: Diane Childs; Joe Nethery
Cc: Dana Anderson; Cathy Duddeck; Pam Damoff; Heinz Hecht
Subject: inZone Review and Livable Oakville Conformity

Dear Joe and Diane,

Thank you again for taking the time to meet with me regarding the inZone and OP conformity exercises. Per that meeting, while I am supportive of the Town's efforts to align their planning framework to provide continuity and clarity, I have a few areas of concern as they relate to the current T1 Zone (proposed E2) and the proposed conformity amendments to the Business Employment designation in the OP.

I am the owner of the property located at [REDACTED] Speers Road which is currently zoned T1 and designated Business Employment. The existing T1 zoning currently permits the following uses which are proposed to be removed in the latest version of the E2 zoning:

1. Restaurants
2. Financial Institutions
3. Drive Thru Facility
4. Limited Retail

While I note that Restaurant uses have been included of the latest draft of the OP Housekeeping Amendment (14.4.1. Sec.25), I strongly urge the Committee to consider the re-inclusion of the above noted uses in the E2 Zone for the following reasons:

1. It is my opinion that Restaurant uses are a highly compatible component to any Employment or Commercial zone, and while I acknowledge that the Town would prefer to regulate the proliferation of "pad style" stand-alone establishments, I am certain that the appropriate regulations can be implemented to ensure the size and built form can be regulated in a desirable manner. While properties along Speers Road are generally designated and zoned as Employment uses, it also functions as an important service commercial corridor for both people working in the area and the general public, a situation which will only increase (particularly east of Dorval Drive) given the current and planned public and private sector developments and improvements in the Kerr Village Growth Area.
2. Financial Institutions not only create high quality jobs in an Employment Area, they also serve an important and compatible function to the surrounding Employment Area as business owners find easy access to this type of use a highly desirable attribute when deciding on where to locate their business.
3. While I understand that Drive Thru Facilities provide as many challenges for Planners as they do conveniences for the general public, I believe that provided the location of the proposed drive thru does not impinge upon adjacent sensitive uses (schools, residences, public parks etc.) they should be permitted within the proposed E2 and E3 Zones. Traffic impacts are determined on a site specific basis, so provided that there is no technical reason why it should not be permitted, a drive thru facility can prove to be a useful amenity within an Employment area.
4. Like restaurants or financial institutions, limited retail, or service commercial retail can provide a highly compatible use within an Employment area given the appropriate restrictions. I understand the Town wants to control and regulate the location of "pure" retail uses and direct them away from the Employment areas, however there should be some allowance for retail within the E2 and other similar zones. I believe that the total prohibition of retail uses in the E2 zone leads to certain unintended consequences that may detract from the planned function of certain areas. An example of my concern would be a Rogers Wireless Store or UPS Store type of use, which while both are considered retail, both would be very compatible and desirable uses to the surrounding business community as well as the general public. I strongly encourage the inZone and OP teams to review a more flexible approach to addressing a broader range of limited retail uses in the E2 and E3 zones, particularly along busy quasi-commercial corridors such as Speers Road.

APPENDIX C

Lastly, I have a serious objection to the proposed requirement for a minimum 5.0m front yard landscape buffer for any Employment zone abutting a road (General Provisions; table 4.11.2. "Required Widths for Landscaping by Zone". It is entirely arbitrary to impose a blanket 5.0m setback to Employment zones while Commercial is limited to 3.0m. The required buffer should be consistent with the current regulation and the proposed Commercial zone and left at 3.0M.

I appreciate your assistance with this matter and am happy to discuss my comments at your convenience if you so desire.

Best regards,

Dan

Joe Nethery

From: Joe Nethery
Sent: Tuesday, January 21, 2014 5:50 PM
To: 'Laurie Lawson'
Cc: Matt Rubic; Dana Anderson; Diane Childs; Joanna Wice; Joe Nethery
Subject: RE: inZone: New Council Approval Date
Attachments: [REDACTED] Bronte - PB on airphoto.png
Categories: v2.0 Inputs

Good afternoon Laurie –

The staff recommendation in the final draft will remain the same per my November 20, 2013 email: Industrial E3 SP 130 adding the salvage yard as a permitted use, with the landscaped lands along your rear lot line being zone Parkway Belt Public Use PB1.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Laurie Lawson [REDACTED]
Sent: Tuesday, January 21, 2014 1:50 PM
To: Joe Nethery
Cc: Matt Rubic
Subject: RE: inZone: New Council Approval Date

Hi Joe,

Based on your email below, I just want to ensure that the zoning for [REDACTED] Bronte Rd is as previously discussed - proposed to be designated E3 (Industrial) Special Provision #130.

I also want to note that I have lodged an objection to the portion of the land at the rear which is proposed to be zoned PB1 (Parkway Belt Public Use) and I want to ensure that the zoning will be legal conforming versus legal non-conforming.

Many thanks.

Laurie

From: Joe Nethery [<mailto:JoeNethery@oakville.ca>]
Sent: December-16-13 9:37 PM

Joe Nethery

From: Joe Nethery
Sent: Tuesday, January 21, 2014 6:20 PM
To: Pam Damoff; Cathy Duddeck
Cc: 'Daniela Jansson'; 'Gordon Standish'; 'Lesley Henshaw'; Dana Anderson; Ramona Boddington; Lesley Gill Woods; Joe Nethery
Subject: RE: Proposed re-zoning of residential West Harbour properties to commercial
Categories: v2.0 Inputs

Good evening all –

I apologize for the delays in my promised reply. Hart, I hope your trip to Liberia is going well.

The Central Business District CBD zoning shown in the second draft (v2.0) of the 2014 Zoning By-law has been applied in error. Staff's recommendation is to prezone lands in the various Growth Areas for development contemplated by the Livable Oakville Plan. This approach ended up extending the zone boundary to cover yours and the neighbouring properties. Staff are auditing the maps elsewhere in Kerr Village to ensure other similar properties are corrected as well.

In the final draft (v3.0) going to Council on February 25, 2014, the zone maps will be updated showing these lands in appropriate residential zone categories: namely, Residential Medium RM1 with a Special Provision additionally permitting detached and semi-detached dwellings. The properties at [REDACTED] Wilson Street will require an additional Special Provision prohibiting retail uses and limiting as-of-right building additions. All this will implement the Livable Oakville Plan exceptions applying to those sites as well.

If you have any further questions, please do not hesitate to contact me –

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Pam Damoff
Sent: Wednesday, January 15, 2014 3:57 PM
To: Joe Nethery; Dana Anderson
Cc: Cathy Duddeck
Subject: Fwd: Proposed re-zoning of residential West Harbour properties to commercial

See below - can you please clarify regarding Harts concerns.

Thanks

Pam and Cathy

Sent from my iPhone

Begin forwarded message:

From: Hart Jansson [REDACTED]
Date: 15 January, 2014 3:35:00 PM EST
To: Pam Damoff <PDamoff@oakville.ca>, Cathy Duddeck <CDuddeck@oakville.ca>
Cc: Daniela Jansson [REDACTED] Gordon Standish [REDACTED] Lesley Henshaw [REDACTED]
Subject: Proposed re-zoning of residential West Harbour properties to commercial

Dear Pam and Cathy,

I discovered during the meetings regarding [REDACTED] Brookfield and the related development, that numerous properties in West Harbour are proposed to be re-zoned C3R from their current residential status (all R7 I believe). I understand this is happening as part of the InZone initiative.

This affects at least a dozen residential properties between Lakeshore and Burnet, and possibly more, including my property [REDACTED] and the 6 townhouse neighbours across Brant St from me.. I was told that no individual notices were sent out as this is part of a broad set of changes, which are advertised widely, so no individual notices were necessary.

I am alarmed primarily because this is proposing to undo what the West Harbour residents fought hard to put in place, namely the rezoning of a number of properties from C3R to R7 to reflect their historical residential use AND THEIR DESIRED FUTURE USE (as per the Planning Report that the WHRA commissioned in 2007 and which was circulated recently by Cathy in regards to the Brookfield development). I am alarmed, because if this zoning change passed, it would mean that my neighbour, in the adjoining semi, could set up a dog-grooming parlour or some other retail shop, as could my neighbours across the street. This is not what the residents want to see. I can see no 'planning justification' for this, except that it makes for a neat straight line separating C3R from the residential properties on Burnet Street. And we know the real world is by nature messy, and a straight line will not cut it in this case.

I am also alarmed that this re-zoning is taking place 'under the radar', with the residents unaware. I have not had a chance to corral my neighbours about this, but you can be assured that they will feel the same way I do. I presume that this has also escaped your attention. I have a call in to Joe Nethery to confirm all the details (no answer yet). My challenge is that I am leaving the country at noon tomorrow, and will not be able to follow this up personally until Feb 1. I appreciate if you could investigate this on behalf of your constituents and keep me posted. Please copy my wife Daniela on all correspondence for the time being.

I further understand that there is a deadline sometime in February for residents to object to these proposed zoning changes.

Your prompt assistance is appreciated.

regards,
Hart

January 23, 2014

Jennifer Meader

Town of Oakville
1225 Trafalgar Road
Oakville, ON
L6H 0H3

Attention: Mr. Joe Nethery, Manager, Zoning By-law Project
Planning Service Department

Dear Mr. Nethery:

RE: Proposed Inzone

We act on behalf of Tabas Realty Capital Limited with respect to their property interests in the Town of Oakville.

In our review of the proposed Inzone, we note that generally lands that are currently zoned R1 are proposed to be zoned RL1 and lands that are currently zoned R01 are proposed to be zoned RL1-0.

While there are some regulatory differences between the proposed RL1 and the RL1-0 zones, our comments are limited to what we identify as the two primary differences between the proposed regulations for the RL1 zone and the RL1-0 zone, being the permitted maximum height and the permitted maximum lot coverage.

It is our position that the proposed regulations for the RL1 zone should also apply to the lots in the RL1-0 in so far as they relate to height and lot coverage as there is no planning justification to distinguish these regulations between the two zone categories.

As you are aware, the Livable Oakville Plan has created a Special Policy Area which is identified as areas that include residential lands (R1/R01 zones). The policies in Livable Oakville do not make a distinction between the lands zoned R1 and R01 and we submit that the zoning by-law should not create a distinction that is not found in the policies of Livable Oakville.

To that end, we have concerns with respect to the proposed reduction in lot coverage from 30% in the R01 zone to 19% in the RL1-0 zone. This reduction in lot coverage is compounded by the fact that lot coverage includes all roofed buildings on the lot, which would include garages and accessory dwellings.

Mr. Joe Nethery, Town of Oakville Planning Service Dept.
re Proposed Inzone
January 23, 2014
page 2 of 2

In our review of the materials in support of the Inzone, there has been no appropriate justification for this reduction in lot coverage from 30% to 19% and will simply result in an increase in the number of variances applications before the Committee of Adjustment to permit an appropriate lot coverage for the lots in the RL1-0 zone.

As well, it is submitted that a 30% lot coverage will still ensure that there is adequate green space on lots to allow for appropriate separation of dwellings, proper drainage and amenity areas, to ensure that the integrity of the large lots typically found in the existing R1 and R01 lots will be preserved.

Finally, it is submitted that the proposed permission for a maximum overall height of 11 metres in the RL1 zone accurately reflects the current home building market on lots of the size typically found in the existing R1/R01 zones. However maintaining an overall height of 9.0 metres in the RL1-0 fails to recognize the special attributes of the large lots found in this zone. The large lots found in the R01 zone are entirely appropriate for dwellings of heights to 11 metres.

Additionally, a review of many previous Committee of Adjustment decisions demonstrate that numerous variances have been granted, often with staff support, for heights well in excess of 9 metres for lots in the R01 zone. An increase in permitted height to 11 metres will ensure that a more realistic height limit is imposed to permit the construction of homes which are reflective of the unique upscale character of the area which is governed by the Special Policy Area in the Livable Oakville Plan.

Yours truly,

WeirFoulds LLP



Per: Jennifer Meader

JM/mw

6106454.1

January 21, 2014

Town of Oakville
Planning Services
1225 Trafalgar Road
Oakville, ON
L6H 0H3

Attention:

Dana Anderson, Director Planning Services
Joe Nethery, Manager, Zoning By-law Project

Dear Ms. Anderson and Mr. Nethery:

After much discussion by the JCRA board, we are writing to you with regard to inZone to present formally our feedback and views, and to ensure our input is on record before the final recommendations go to Town Council. We understand you will consider our input when drafting the final report.

We thank you in advance for your consideration. We believe that inZone reflects a commitment by the Town, and is an opportunity for all residents to benefit from improved and updated zoning changes.

Context

The rezoning of the portion of Cornwall Drive west from Ford Drive to Morrison Road, from Parkway to Commercial/Employment resulted in the following:

- disputes and controversies over appropriate development (container depots, big-box storage facilities, driver training, drive through Starbucks)landscaping of developments that did not live up to promises
- the excessive volume of large trucks from outside the area that drive down Cornwall (to access the commercial enterprises that now exist there).
- on the positive side, some successes with berms and landscaping that has camouflaged development.

Overall, the development along this portion of Cornwall Rd. has been largely unsatisfactory because it did not improve either sustainability or livability of the existing neighbours, and as a result does not address the needs of residents.

Recommendations

Based on our knowledge of inZone we recommend the following:

- 1) Designate Cornwall Drive from Ford Drive to Morrison Road as E1 “office employment” zoning, not E2 zoning.
- 2) Designate Ford Drive, south from Royal Windsor to Cornwall Road, including the intersection of Ford and Cornwall as a Minor Gateway (reference Livable Oakville section 6.3) ensuring appropriate development, zoning and landscaping, including commercial enterprise frontage and signage for a Minor Gateway classification.

The Employment Zoning for Cornwall Road

We are a large established residential neighbourhood in which recent commercial development has not been residentially friendly or appropriate. We are very appreciative of the Town’s efforts to stop a power plant being built close to our neighbourhood. However, we remain concerned that the recommended inZone changes will continue to allow public open storage, container storage and encourage more industrial development that is incompatible within an established residential neighbourhood. Our air shed is already overtaxed with its proximity to several large emitters and significant truck traffic. By zoning Cornwall Rd as E1 “Office Employment”, the Town can create employment opportunities for the professionals that live in our neighbourhood and reduce truck traffic. The building on the southwest corner of Maple Grove and Cornwall (across from Rexall) is a positive example of the type of development we believe is most appropriate for the area.

How will the Town benefit from this change?

- A. By designating “Office Employment” as the only acceptable development along this portion of Cornwall (from Ford to Morrison) will help create visually appealing development and ensure the eastern parts of Cornwall are attractive to families, visitors and business professionals.
- B. JCRA supports the development of buildings with a maximum height of 4 storeys on the north side of Cornwall. We believe this will make the land more attractive to high quality office development which will better support employment for the many professionals who live in our neighbourhoods. As well, the level of employment opportunities that could be created with an E1 zoning is considerably greater than any of the current development or future development options associated with an E2 zoning.

- C. E1 zoning supports a more walkable community consistent with the sustainability goals of Livable Oakville.
- D. Dispersing some of the intensification that is planned for Trafalgar and Cornwall to further east along Cornwall will allow for better traffic flow and optimizes the Ford Drive gateway into Oakville.

Minor Gateway Designation for Ford and Cornwall

Ford Drive and Cornwall Road /Royal Windsor is a gateway into Oakville. While Winston Churchill Blvd. is the boundary between Mississauga and Oakville, the intersection of Royal Windsor and Winston Churchill does not serve as a gateway to Oakville, as stated by Town Planning Dept. representatives in our November meeting with you. We believe most residents would agree that the Ford/Cornwall area is the gateway that welcomes you into our Oakville neighbourhood. Certainly this is the entrance to Oakville for anyone using the Ford Drive exit from the QEW.

We believe this minor gateway designation is supported by Livable Oakville:

Section 6 of Liveable Oakville describes Urban Design and includes the statements in Section 6.1.1. (a)...diversity... compatibility with existing community, ...high profile locations such as gateways to town, Section 6.2 Public realm – (a) reduce and disperse traffic and provide alternative routes for pedestrians, Enhance bicycle movement, Section 6.2.6 streetscapes – local content, pedestrian oriented environment that is safe, Section 6.3 Gateways – sense of entrance and arrival, development at gateways should be required to meet a high standard of design, and “complete communities” which are defined in the LO glossary as *meeting peoples’ needs for daily living*.

As a minor gateway, the development design standard with respect to buildings, landscaping and signage should be higher than what we see currently. The standard should be in keeping with a minor gateway designation. The berm and landscaping along the Ford Drive frontage of Ice Sports is an example of appropriate landscaping and good use of the berm to camouflage the parking lot and building.

Other Issues: Ford Drive & Cornwall Road Intersection

JCRA continues to have concerns about the development planned for the south west corner of Ford and Cornwall. We are pleased the Town has recommended the corner be zoned as C1, and we support that recommendation; however it is our understanding that the current property owner would be grandfathered should the site plan be approved before InZone changes are

passed. We remain concerned that the actual operations and businesses of what is defined as “commercial condos” will not be compatible with a residential neighbourhood; that the existing homes which back onto the property, and other homes in the surrounding area, will experience a significant increase in daily noise pollution. As well, the corner is already very busy with difficult egress and ingress, and the traffic flow will be negatively impacted.

In Summary

We appreciate the opportunity to present our input to the Town. Again, we would ask that you consider:

- 1) Designating E1 “office employment” zoning for Cornwall Road from Ford Drive to Morrison Road, not E2 zoning.
- 2) Designate Ford Drive, south from Royal Windsor to Cornwall Road, including the intersection of Ford and Cornwall as a Minor Gateway into Oakville (reference Livable Oakville section 6.3).
- 3) We support the Town’s recommendation to change the zoning of the southwest corner of Ford and Cornwall to C1.

We look forward to further discussions about inZone.

Respectfully on behalf of the JCRA Board

Janet Haslett-Theall

President

Joe Nethery

From: Joe Nethery
Sent: Monday, February 10, 2014 7:00 PM
To: 'Janet Haslett-Theall'; Dana Anderson; Diane Childs
Cc: Mayor Rob Burton; Keith Bird; Dave Gittings; Joe Nethery; 'paulinecwatson' [REDACTED]
Subject: RE: JCRA InZone letter

Categories: v2.0 Inputs

Good evening Ms. Haslett-Theall –

Staff have the following reply to your January 21, 2014 letter. By point in your letter:

1. The zoning recommendation of Business Employment E2 corresponds to the applicable Livable Oakville Plan designation applying along almost the entire length of Cornwall Road. Multiple uses within this designation currently exist along Cornwall Road. Applying the Office Employment E1 Zone would make many of the uses legally existing and established under the zoning in place legal non-conforming.
2. The “minor gateway” designation is not applied to specific intersections anywhere in Oakville. The policy direction of Section 6.3 is intended to be applied at the Site Plan Approval stage, where design matters such as landscaping and site layout are evaluated. Should a future site plan application be filed at that intersection, staff would certainly intend on reviewing the application in terms of its treatment and function to the intersection.
3. Condominium is a form of tenure and ownership and is not a use of land. The uses permitted in the proposed Neighbourhood Commercial C1 Zone, as modified by the proposed Special Provision 163, are the uses proposed to be permitted at the southwest corner of the intersection.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Janet Haslett-Theall [REDACTED]
Sent: Tuesday, January 21, 2014 5:10 PM
To: Dana Anderson; Joe Nethery; Diane Childs

APPENDIX C

Cc: Mayor Rob Burton; Keith Bird; Dave Gittings

Subject: JCRA InZone letter

Hello

Please find attached a letter from the Joshua Creek Residents Association in regards to the implications of InZone for our neighbourhood. We trust you will give serious consideration to our recommendations and hope to see changes in the final InZone plan in February.

Sincere Regards

Janet Haslett-Theall

President JCRA

APPENDIX C

**O'CONNOR
MACLEOD
HANNA LLP**

Harold R. Watson

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Barristers & Solicitors

Brian J. Hanna
Kenneth W. Watts
Robert A. Watson
Harold R. Watson
Gayle Wadden
Marian G. Gage
Danny Chou

Larry S. Gangbar
Jarvis G. Sheridan
Tanya A. Leedale
Robert Krizman
James McAskill
Chantel Goldsmith
Ruhia Jokhio

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

January 9, 2014

DELIVERED BY E-MAIL
townclerk@oakville.ca

Town Clerk
Town of Oakville
P.O. Box 310
1225 Trafalgar Road
Oakville, Ontario
L6J 5A6

Dear Sir/Madam:

RE: [REDACTED] Linbrook Road - Linbrook School Property, Oakville
Submissions – Town's Proposed Comprehensive Zoning By-law
Inzone Project

We are the solicitors for Amber and David Way and Linbrook School, a not for profit corporation.

We are writing to make a submission with respect to the Town's proposed comprehensive Zoning By-law which was the subject of the statutory public meeting on November 4, 2013.

The Town of Oakville and our clients are currently negotiating terms to allow for the operation of a private school at [REDACTED] Linbrook Road. This is property currently owned by The Corporation of the Town of Oakville.

As part of the process leading to the establishment of the private school, our clients brought an application for minor variances to the Committee of Adjustment. The Application number was CAV A/163/2013.

The variances requested were approved by the Committee of Adjustment and the last date of appeal of the decision was December 2, 2013. There were no appeals of the decision and therefore it is final. A copy of the decision is attached hereto for your ease of reference.

[REDACTED]
[REDACTED]

APPENDIX C

Our clients seek to ensure that the variances granted by the Committee of Adjustment are incorporated into the new version of the Town of Oakville's proposed comprehensive Zoning By-law. Presumably this is already being addressed for the next version of the proposed Zoning By-law, but we did want to ensure that provision for the private school use and the aforementioned variances are included within the Zoning By-law.

We would be pleased to discuss this further.

Yours very truly

O'CONNOR MACLEOD HANNA LLP

A handwritten signature in black ink, appearing to read 'H. Watson', with a long horizontal flourish extending to the right.

Harold R. Watson

HRW:lw

cc: Joe Nethery, Town of Oakville
cc: Jane Clohecy, Commissioner of Community Development
cc: Amber and David Way
cc: Terry Martino, Gren Weis Architect & Associates

Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 12, 2014 11:23 AM
To: 'Hal Watson'
Cc: Doug Carr; Dana Anderson; Joanna Wice
Subject: RE: inZone: Updated Final Draft (v3.1) Online Friday

Categories: v2.0 Inputs

I apologize, Hal – after our team meeting, I thought Doug Carr was going to respond (lawyers talking with lawyers) re: the overall approach.

From a planning mechanics perspective, I'll refer you to the proposed Special Provision 261: use permitted without the road requirement, side yard reduction and student cap in the text.

From: Hal Watson [REDACTED]
Sent: Wednesday, February 12, 2014 10:52 AM
To: Joe Nethery
Subject: RE: inZone: Updated Final Draft (v3.1) Online Friday

Joe,
Where did you get to on the Linbrook School site?

Hal Watson
Partner

**O'CONNOR
MACLEOD
HANNA LLP**



www.omh.ca

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From: Joe Nethery [<mailto:JoeNethery@oakville.ca>]
Sent: February 12, 2014 9:41 AM
To: Joe Nethery
Subject: inZone: Updated Final Draft (v3.1) Online Friday

January 15, 2014

Our File No. [REDACTED]

BY EMAIL

Corporation of the Town of Oakville
Clerk's Department
1225 Trafalgar Road
Oakville, ON L6H 0H3

Attention: Attention: Ms. Cathie Best, Town Clerk

Dear Ms. Best:

Re: Town of Oakville inZone Project (Zoning By-law Review)
394 Lakeshore Road West

We represent 394 Lakeshore Oakville Holdings Inc., the developers of the property municipally known as 394 Lakeshore Road West (the "Site"). The Site comprises an area of 3.8 hectares adjacent to Lake Ontario, on south side of Lakeshore Road West, between Morden Road and Suffolk Avenue. Our client continues to own units 2, 3 and 6 to 16 inclusive, within Halton Vacant Land Condominium Corporation 620.

The Site is zoned R01 SP(860), Residential One, subject to Special Provision 860, by the in-force Town of Oakville Zoning By-law 1984-63, as amended (the Zoning By-law). Special Provision 860 was incorporated into the Zoning By-law by way of site specific By-law 2011-112, which was approved by the Ontario Municipal Board on November 21, 2011. Special Provision 860 permits the development of the Site with 16 detached dwellings on a condominium road, including the maintenance of the historic Lambert-Smye Estate House situated on the portion of the Site known as Block 5. Since approval of By-law 2011-112, our client has actively marketed the project.

We have been monitoring the progress of the inZone project and reviewed the draft version of the proposed new zoning by-law (the "Draft By-law") being considered by the Planning and Development Committee on February 25, 2014. We are writing at this time to express our client's concerns with the Draft By-law as it applies to the Site.

The Site is proposed to be zoned RL1-0-314, Residential Low, "-0" Suffix, subject to Special Provision 314, by Map 19(7) the Draft By-law. It appears that Special Provision 314 accurately carries forward the policies of By-law 2011-112 with minor changes to the block numbers. However, the parent "-0" Suffix Zone imposes new regulations regarding the maximum permitted lot coverage and the maximum permitted height of balconies, decks and rooftop terraces.

January 15, 2014

Page 2

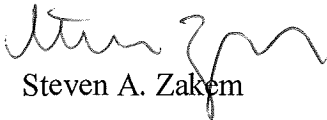
We are opposed to the application of the “-0” Suffix Zone provisions on the Site as they impose new regulations that were not contemplated at the time By-law 2011-112 was enacted. We respectfully request that the Site be exempted from all of the provisions of the “-0” Suffix Zone in order to permit the Board approved development of the Site.

Would you kindly ensure that this correspondence is provided to the members of the inZone team and City Council. We also request that notice of any further public meetings and notice of passage of the Draft By-law be provided to the undersigned.

Should you require any further information or clarification respecting any aspects of this letter, please do not hesitate to contact the undersigned. Thank you very much.

Yours truly,

AIRD & BERLIS LLP



Steven A. Zakem

SAZ/ee

cc. A. DiCenzo

16202833.1

January 15, 2014

Page 2

the maximum permitted lot coverage and the maximum permitted height of balconies, decks and rooftop terraces.

We are opposed to the application of the “-0” Suffix Zone provisions on the Site as they impose new regulations that were not contemplated at the time By-law 2011-112 was enacted. We respectfully request that the Site be exempted from all of the provisions of the “-0” Suffix Zone in order to permit the Board approved development of the Site, including the portion of the Site owned by our clients and known as Unit 5.

Would you kindly ensure that this correspondence is provided to the members of the inZone team and City Council. We also request that notice of any further public meetings and notice of passage of the Draft By-law be provided to the undersigned.

Should you require any further information or clarification respecting any aspects of this letter, please do not hesitate to contact the undersigned. Thank you very much.

Yours truly,

AIRD & BERLIS LLP




Steven A. Zakem

SAZ/ee

cc. Andrew and Vivian Sanfilippo

16185082.1

Brad Rafauli
Vice President and Legal Counsel



January 24, 2014

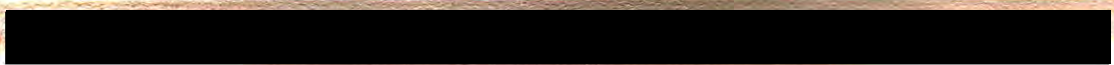
Joe Nethery
Town of Oakville
Manager, Zoning By-law Project Planning Services
Oakville, Ontario
L6H 0H3

Dear Mr. Nethery:

Re: InZone By-Law Review

It was a real pleasure speaking with you over the telephone a couple weeks ago with respect to some of the questions and concerns that I had with some of the proposed InZone regulations. You were extremely professional and helpful. You were also encouraging that I share some of my concerns in writing, which I also appreciated. We have always had a great working relationship with the Town of Oakville over the years. We are proud to not only operate business in Oakville but to also call it our home as we have been residence of Oakville for many years. As such please take this letter as part of that working relationship whereby we believe our feedback, given our experience as architectural designers and builders in this area, can be helpful to your efforts. Please do not take this letter as a criticism to the hard work you and your team have been putting together with respect to the InZone studies and regulations that you are forming. I look forward to speaking with you further on some of our concerns raised below as I think we can collectively address them all.

As you may know, Ferris Rafauli Architectural Design Build Group is an established architectural designer and builder of homes in Oakville, for over 14 years, specializing in residential development and infill within the R1/R01 zones. For many years now our clients who live in Oakville, some for most of their lives, have



contributed to the development of infill lots, enhancing streetscapes and landscapes which each project that they retain us to design and build for them within the current R1/R01 zones. We have designed and built for not only numerous long time residents of Oakville within the R1/R01 zones, but have also attracted new residents to the community who have become major contributors to the community in the Town Oakville by investing in this Town and some donating their time and money to philanthropic causes within the community. As importantly, by retaining us to design and build their homes within this community our clients have in effect contributed to the upgrading and revitalization of the housing stock within the R1/R01 zones, in part improved the quality of Oakville's neighborhoods for existing residents and through the availability of high-end homes have also attracted new residents to this community. We have some serious concerns that some of the proposed InZone regulations will seriously limit our ability to offer residents within the Town and attract new residence to the Town looking to design and build their homes within current R01 (the future RL-0), given the serious limitations that would be placed on the architecture in the RL1-0 as a result of some of the proposed regulations the InZone regulations would create.

In our review of the proposed InZone, we note that generally lands which are currently zoned R1 are proposed to be zoned RL1 and lands which are currently zoned R01 are proposed to be zoned RL1-0, with the distinction being the -0 suffix for the lands currently zoned R01. It is our position that the proposed regulations for the RL1 zone should also apply to the lots in the RL1-0 in so far as it relates to height and lot coverage, as there appears to be no justification to distinguish these regulations between the two zone categories.

We have concerns with respect to the proposed reduction in lot coverage from 30% in the R01 zone to 19% in the RL1-0 zone. This reduction in lot coverage is compounded by the fact that lot coverage includes all roofed buildings on the lot, which would include garages and accessory dwellings. In our review of the materials in support of the InZone, there has been no appropriate justification for this reduction in lot coverage from 30% to 19% and will simply result in a drastic increase in the number of variances proceeding forward to the Committee of Adjustment to permit an appropriate lot coverage in the RL1-0 zone.

As well it is submitted that the existing maximum 30% lot coverage ensures that there is adequate green space on these large lots to allow for appropriate spacing between dwellings to ensure that the integrity of the large lots typically found in the existing R01 zone is maintained.

Finally, it is submitted that the proposed permission for a maximum overall height of 11.0 meters in the RL1 zone accurately reflects the current home building market on lots of the size typically found in the existing R1/R01 zones. We support this and do not think it should change in your further drafts to something less. However maintaining an overall height of 9.0 meters in the RL1-0 fails to recognize the special attributes of the large lots found in this zone and would prevent the

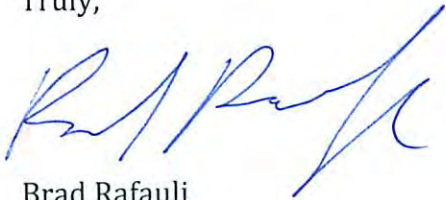
APPENDIX C

construction of the iconic estate homes that attracts residents to lots of the size found in the proposed RL1-0 zone.

Additionally, a review of numerous previous Committee of Adjustment decisions reflect that variances have been granted, often with staff support, for heights well in excess of 9.0 meters for these lots. An increase in permitted height to 11.0 meters will ensure that a more realistic height limit is imposed for the unique upscale character of the area governed by the Special Policy Area in the Livable Oakville Plan.

Please do not hesitate to contact me should you have any questions or require further information.

Truly,

A handwritten signature in blue ink, appearing to read 'Brad Rafauli', with a stylized flourish at the end.

Brad Rafauli

Joe Nethery

From: Joe Nethery
Sent: Thursday, February 13, 2014 12:20 AM
To: 'Brad Rafauli'
Cc: Joanna Wice; Joe Nethery
Subject: RE: InZone By Law Review

Good evening Brad –

Per your Friday, January 24, 2014 letter, in the final draft (v3.0) staff are recommending a new “residential floor area ratio” calculation. Detailed comment is contained in the staff report being released Friday, but suffice to say the proposed calculation of “residential floor area” and resultant “residential floor area ratio” is modelled on the approach used in Mississauga, where all floor area within the building is measured without any exclusions. To compensate for the additional areas included in the calculation of residential floor area, the recommend ratio for the new “maximum residential floor area ratio” is adjusted upward from the current “floor area/lot ratio” figures listed in Zoning By-law 1984-63, as amended. Individual tiers are also proposed to be reorganized to fit the current minimum lot area figures, meaning each tier spans 92.9 square metres (1000 square feet). Based on modelling of potential building sizes available under Zoning By-law 1984-63, as amended, the increase in increases range between 10.3% and 16.7% over existing permissions – or, between 3 and 5 percentage points in the final draft (v3.0) By-law – to accommodate previously excluded exterior walls, stairs, and elevators. The two-regulation framework better enables as-of-right design flexibility within the zoning by-law.

In terms of the mechanics of the recommendation, lot coverage for shorter dwellings – now proposed to be set at less than or equal to 7.0 metres, based on further review – is proposed to remain the same as in the second draft (v2.0) and Zoning By-law 1984-63, as amended: 30% in the Residential Low RL1 and RL2 Zones; 35% in the Residential Low RL3-0, RL4-0, RL5-0, and RL10-0 Zones, and not applicable in the Residential Low RL8-0 Zone. For taller buildings – greater than 7.0 metres in height – the recommendation is based on the 85th percentile (with rounding) of all lot coverage estimates existing today in the applicable zones: 25% in the Residential Low RL1 and RL2 Zones; 35% in the Residential Low RL3-0, RL4-0, RL5-0, and RL10-0 Zones, and remaining not applicable in the Residential Low RL8-0 Zone.

Using the 85th percentile level best recognizes the “existing residential character” across the broad area covered by today’s R0 Zones. The regulation as proposed, and therefore the new infill and replacement dwellings and additions to existing dwellings constructed within this framework, will conform to and implement Section 11.1.9 of the Livable Oakville Plan.

In the updated final draft (v3.1), a new subsection (b) is proposed under lot coverage to clarify and carry forward the current staff interpretation that accessory buildings and structures are included within – not additional to – the lot coverage for the main dwelling. It is a total 25%/35% calculation.

Staff’s recommendation remains to carry forward the 9.0 metre maximum overall height.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project

Planning Services

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From: Brad Rafauli [REDACTED]
Sent: Friday, January 24, 2014 1:23 PM
To: Joe Nethery
Subject: InZone By Law Review

Mr. Nethery,

Hope all is well. It was a pleasure speaking with you a couple of weeks ago over the telephone regarding the InZone By Law Review. You were very helpful and informative. Thank you for inviting us to share our comments given our experience in architecturally designing and building in the current R1/R01 zones over the last 14 years. Kindly find our letter attached for your review and considerations.

Please do not hesitate to contact me should you have any questions or require further information.

Truly,
Brad

--
Brad Rafauli
Vice President and Legal Counsel
Ferris Rafauli-Grandeur Luxury Homes Inc.



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January 27, 2014

We have been advised by Planning Staff that the Zoning By-law Amendment will be proceeding to Planning and Development Council on February 10, 2014. We trust that any potential Zoning By-law approval would be carried forward as a site specific provision in the inZone Zoning By-law which is proceeding to Council on February 25, 2014.

We kindly request that we be circulated on all future correspondence and notices pertaining to the above mentioned matters. We trust that the above is in order. Please do not hesitate to contact Ashlee Rivet (ext. 290) or myself should you have any questions.

Yours truly,

Weston Consulting

Per:

A handwritten signature in blue ink, appearing to read 'David Capper', with a stylized flourish at the end.

David Capper, BES, MCIP, RPP
Associate

Cc: Heinz Hecht, Town of Oakville
Leigh Musson, Town of Oakville
Glenn Macdonald, Trafalgar Oaks Development Inc.
Doug Warrington, Trafalgar Oaks Development Inc.

Joe Nethery

From: Joe Nethery
Sent: Monday, January 27, 2014 5:06 PM
To: 'Ashlee Rivet'
Cc: Heinz Hecht; Leigh Musson; 'David Capper'; [REDACTED]
[REDACTED] Joe Nethery; Ramona Boddington
Subject: [REDACTED] Trafalgar Road
Categories: v2.0 Inputs

Good afternoon Ashlee –

I have added your letter to the correspondence package going to Council on February 25.

With respect to the active application, whether or not it is included in the final draft (v3.0) depends on what happens on the 11th at P&D Council. Given inZone project timelines, it would be premature of the project team to include that SP prior to Council's decision and direction on your application:

- If passed by Council, staff will add a Special Provision into the By-law – this would be in the additional memorandum with final edits distributed on the Council floor prior to the meeting, so be sure to attend that evening.
- If not passed by Council (deferral or defeat), staff will not include a Special Provision in the By-law prior to the 25th:
 - o If deferred, staff will prepare a revised Zoning By-law Amendment for consideration at a subsequent P&D Council meeting. This may require a new public meeting (since a new ZBL is being amended and current notice did not/could not cite the 2014 ZBL) but we can figure out the timing should this happen.
 - o If defeated, staff will not include a revised Special Provision.

Lots of us are watching what happens on the 11th. Leigh and Ramona will be able to provide further assistance on incorporation of any passed ZBLA into the 2014 Zoning By-law.

Thanks –

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Ashlee Rivet [REDACTED]
Sent: Monday, January 27, 2014 11:12 AM
To: Joe Nethery
Cc: Heinz Hecht; Leigh Musson; David Capper; [REDACTED]
Subject: 156-160 Trafalgar Road

Joe Nethery

From: Joe Nethery
Sent: Thursday, January 30, 2014 4:20 PM
To: 'Guy Dorbeck'
Cc: Dana Anderson; Diane Childs; Denis Daoust; Mayor Rob Burton; Pam Damoff; Cathy Duddeck; Joe Nethery
Subject: RE: Responses Delayed
Categories: v2.0 Inputs

Good afternoon Mr. Dorbeck –

Per our meeting of December 3, 2013 and your emails of January 19, 2014 and January 28, 2014, I have the following reply.

Staff will be recommending to Council, in the final draft (v3.0) of the 2014 Zoning By-law, the following use permissions in the proposed Office Employment E1 Zone:

- Manufacturing (renamed from “industrial use”), but only on lots where the use legally existed on the effective date of the 2014 Zoning By-law (being February 25, 2014).
 - o The interpretation of this language would allow for expansions of current uses and the establishment of new uses on those lots.
- Repair shop, but only on lots where the use legally existed on the effective date of the 2014 Zoning By-law (being February 25, 2014).
 - o The same interpretation as above would apply.
- Warehousing, but only on lots where the use legally existed on the effective date of the 2014 Zoning By-law (being February 25, 2014).
 - o The same interpretation as above would apply.
- Food production, but only on lots where the use legally existed on the effective date of the 2014 Zoning By-law (being February 25, 2014).
 - o The same interpretation as above would apply.
- Accessory retail store and showroom, to the same lesser of 15% or 200 square metres of net floor area.
 - o This matches the permissions for the Business Employment E2 Zone. The main “retail store” permission of up to 20% of net floor area would remain additionally permitted.
- Contractors establishment
- Food bank
 - o No limitations are proposed on these two permissions
- Sports facility, limited to a maximum net floor area of 1,000 square metres on any lot within 100 metres of a residential zone.
 - o This permission and limitation matches the current framework in ZBL 1984-63, as amended.

Staff confirmed our intended recommendation to Council after meeting with all employment landowners (which we have been doing throughout January; the last one was the 23rd) to ensure we had as much information from the public as possible. The project team met on January 28 (whole team), January 29 (Long Range Planning for conformity with the Livable Oakville Plan), and a final meeting with the Director of Planning this morning. Any response prior to today would have only contained half the information you needed – and I have been holding off on replying to a number of stakeholders for the same reason. I again apologize for the delay but I wanted to ensure you had all information available to inform your next steps.

APPENDIX C

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

I have copied Mayor Burton and your Ward Councillors Damoff and Duddeck so you have their addresses for any further consultation you choose to undertake. I will also be sure to add our correspondence to the package being provided to Council at its February 25, 2014 meeting.

Thank you for your patience and contributions to the inZone project. We will be sending out an email to the project mailing list when the final draft (v3.0) is online and available for review.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

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From: Guy Dorbeck [REDACTED]
Sent: Tuesday, January 28, 2014 10:11 PM
To: Joe Nethery
Cc: Diane Childs
Subject: RE: Responses Delayed

Hi Joe,

Your response is unsatisfactory.

You had committed to sending me an email to confirm our conversation regarding allowable uses in the E1 zone along the south side of Speers Road between Bronte Road and Third Line. Specifically, you informed me at our meeting on December 3rd that your inZone group had that morning agreed to include industrial/warehouse uses and other uses including athletic/sports facilities (to name just some of the uses that would continue to be permitted in this zone) in the new zoning by-law recommendation that would be put to council for approval. I am now asking you to confirm by return email that these uses have been put back into the proposed new zoning by-laws on a going forward basis.

To make myself perfectly clear, if you confirm the above, I will rest. If you cannot confirm the above, then I will take appropriate action long before you and the inZone group have the opportunity to pull the rug out from under my feet just before you submit your new by-laws for approval, leaving me no time to react.

Please don't underestimate my sincerity and my capacity to see this through.

Guy Dorbeck
Valley Creek Inc.


From: Joe Nethery [<mailto:JoeNethery@oakville.ca>]
Sent: Tuesday, January 28, 2014 3:06 PM
Subject: Responses Delayed

Good afternoon all –

I have received your inquiries but do not have a reply yet – if I did, I would. I'm sorry, I'm not happy I'm taking this long, but there are many loose threads to tie up first.

Hopefully (hope) no later than the 14th.

Thanks –

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services
Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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Joe Nethery

From: Joe Nethery
Sent: Sunday, February 02, 2014 12:51 PM
To: 'Len McLeod'
Cc: Denis Daoust; Joe Nethery
Subject: RE: New Zoning By-law - Campground definition

Categories: v2.0 Inputs

Good afternoon Mr. McLeod –

I apologize for the delay in my reply. That's a good catch. The campground definition should be pointing to the more comprehensive "recreational vehicle" definition. That edits will appear in the final draft (v3.0) of the 2014 Zoning By-law.

I will include this correspondence in the package being presented to Council at its February 25 meeting.

Thanks –

From: Len McLeod [REDACTED]
Sent: Wednesday, January 08, 2014 5:40 PM
To: Joe Nethery
Subject: New Zoning By-law - Campground definition

Hello Joe:

I have just been reviewing your draft by-law to see what impact it may have on my property.

As I scanned the Definitions section, I noticed that for 'campground' you referred to tents, truck campers, travel trailers but you did not include motor homes. Was this an oversight because, perhaps, the writers were not familiar with all the different classes of rv's, or was it an intentional exclusion?

I see the definition of 'recreational vehicle' does include motor homes.

If you have any questions, please drop me a email.

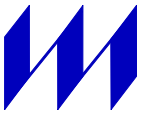
Len McLeod

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services
Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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**WESTON
CONSULTING**

planning + urban design

Planning Services Department
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario L6H 0H3

January 31, 2014
File 6371

Attn: Joe Nethery, Manager – Zoning By-law Project

Dear Sir,

RE: Response to Draft Zoning By-law (InZone)
██████████ South Service Road East
Town of Oakville

Weston Consulting has been retained by GE Lighting Canada, the owners of ██████████ South Service Road East in the Town of Oakville, to provide information and assistance with regards to planning matters affecting these lands. We have reviewed the Draft Zoning By-law and the provisions that are proposed for the subject lands as part of the InZone Project. The intent of this letter to express our concerns with the proposed zoning regulations applicable to these lands as included in the Second Draft (v2.0), dated September 18, 2013.

The subject lands are the location of former GE Lighting manufacturing facility. The facility was demolished commencing on September 8, 2011. Under the Town and Regions policies, a Development Charge Credit may be applied for a maximum of 5 years after the issuance of a demolition permit. The credits obtained through demolition permits for this property will expire on September 8, 2016. A Building Permit must be issued prior to that date to preserve the Development Charge Credits. Based on the current value of Development Charges, the value of the credit is \$6,488,139.⁸⁴.

The subject lands are within the “*Office Employment*” land use designation in the *Livable Oakville* Plan, and are zoned “E1-SP 732 & 837” and “E2-SP 732 & 837” in the current Zoning By-law no. 1984-63. The proposed zoning of the subject lands in the InZone Draft Zoning By-law is “*Midtown Transitional Employment (MTE)*”.

The proposed zoning would not allow for any new development on the property without the approval of a Zoning By-law Amendment. The proposed zoning would “*freeze building envelopes to those legally existing on the effective date of the 2014 Zoning By-law*” (Draft Zoning By-law, page 7.1). As no buildings currently exist, the permitted floor area on the subject lands would be nil. We understand that the intent of this requirement is to allow Council the opportunity to consider any proposed development in the context of a planning application. We have concerns with this



APPENDIX C

requirement, as it would prolong the development process and may jeopardize our client's ability to obtain building permits prior to the expiration of existing Development Charge Credits. The requirement for a Zoning By-law Amendment removes all of the as of right zoning permissions and adds an additional planning application to the development process, one that is time consuming and costly.

Due to the value of Development Charge Credits that may be lost, our client is motivated to work with Town staff for the approval of a development on the subject lands, and we feel that the requirement for a Zoning By-law Amendment application will not likely allow enough time to proceed through the development process prior to September 8, 2016. Failure to secure a building permit prior to this date would result in a substantial financial loss for our client.

Our request is that the existing zoning, under By-law 1984-63, continue to apply to the subject lands until such time that the Midtown Strategy has been finalized and implemented, and the necessary zoning changes are in force and effect. We recognize that Site Plan Approval is required for this site, and our client would be willing to work with Town staff through the Site Plan process to ensure that any development on the subject lands does not adversely impact the plans for Midtown Oakville.

We look forward to discussing this matter with you further. If you have questions or require any additional information please contact the undersigned at extension 305.

Yours truly,

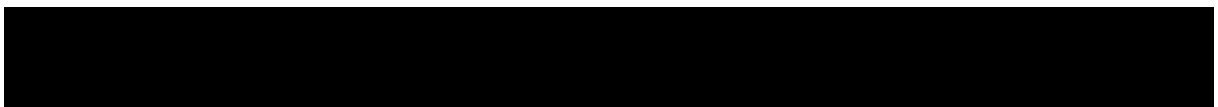
Weston Consulting

Per:



David Capper, BES, MCIP, RPP
Associate

Cc: George Ross – GE Global Operations
Jeremy Amin – GE Global Operations
Al Edwards – Cushman Wakefield
Gil Gordon – Cushman Wakefield



Joe Nethery

From: Joe Nethery
Sent: Thursday, February 13, 2014 1:23 AM
To: 'David Capper'
Cc: Dana Anderson; Diane Childs; Denis Daoust; Gabe Charles; Joe Nethery
Subject: RE: inZone By-law - Comments relating to [REDACTED] South Service Road

Categories: v2.0 Inputs

Good evening Mr. Capper –

Staff have reviewed your letter of February 4, 2014. As corresponding policy amendments to the Livable Oakville Plan are anticipated to reflect changes recommended in the soon-to-be-completed Midtown Studies, a recommendation to apply full, mixed use zoning in Midtown Oakville is not possible at this time. The recommendation continues to be the application of two transition zones – Midtown Transitional Commercial MTC and Midtown Commercial Employment MTE – that require new buildings and structures to be approved through a planning application, allowing Council to review a proposal and establish conformity with the Livable Oakville Plan – in particular, the acquisition of future roads in Midtown Oakville.

Please also be advised that the staff are anticipating on undertaking “Growth Area Check-ins” scheduled as part of our Long Range Planning section’s work program over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. This is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Town of Oakville | 905-845-6601 ext.3428 | f: 905-338-4414 | www.oakville.ca



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From: David Capper [REDACTED]
Sent: Tuesday, February 04, 2014 9:57 AM
To: Joe Nethery
Subject: inZone By-law - Comments relating to [REDACTED] South Service Road

Mr. Nethery,

Please find attached correspondence being provided on behalf of GE Lighting Canada as it relates to the property located at [REDACTED] South Service Road E. This correspondence is intended to represent formal comments with respect to the proposed zoning changes being implemented through the new inZone By-law.

APPENDIX C

Please contact me should you have any questions or concerns relating to our submission. Also, please confirm receipt of the attached correspondence.

Kind Regards,
David

David Capper
Associate



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